



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

MINUTES OF REGULAR MEETING

September 13, 1990

Meeting was called to order at 7:39 p.m. All members except AM were present.

Submissions/General Business:

Brad Letourneau presents a Certificate of Substantial Use of Special Permit. His original plan was filed at the Registry of Deeds. P. Herr had told him they would not accept a copy of the plan. He had his attorney check with the Registry of Deeds and do up the terminology. He is here today with the wording which P. Herr recommended for substantial use.

EM never heard of a Certificate of Substantial Use.

B. Letourneau explains that it is not a common form.

EN questions if Mr. Letourneau will bring this form to the Registry of Deeds.

B. Letourneau responds that he will.

EM makes a motion to sign the Certificate. EN seconds motion. Vote of 3 to sign.

Edward Beauchemin presents a plot plan for land which his father owns on Center Street. He would like to know how many lots he has for purposes of the sewer and water line connection.

EN indicates that Mr. Beauchemin must go to a surveyor to find out how many lots there are.

EM questions if the plan is a recorded plan.

E. Beauchemin indicates that it is a real plan which he got at the town hall.



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EM states there are 75' of frontage. He questions if all the land is owned in the same name. Zoning requires 125' of frontage. It could become one lot.

E. Beauchemin states one lot has 110' frontage. He asks what would become of that.

EM explains that it is possible to count the lots on the corner as frontage for both lots.

GG states that Mr. Beauchemin will have to go to an engineer to have him determine the number of lots. They will have to come up with 20,000 square feet and 125' frontage per lot.

EM states that the lots probably did not perc. Now that sewerage is going in, they may perc. He suggests Mr. Beauchemin go to an engineer.

E. Beauchemin went to Ponds and Associates and they sent him here. He will have them draw up a plan for the number of lots. The lot lines may run on an angle. He came here to find out what the required frontage was. He understands that it is 125' for residential. Suburban or agricultural will need more.

EM asks *what* zoning Green Acres is.

B. Lord thinks it is suburban.

GG believes it is residential which requires 20,000 square feet.

EM believes it is worth having this drawn up if the sewer is going in.

E. Beauchemin just wanted to come in to verify what Pond & Associates already told him.

SILVER HEIGHTS DEFINITIVE SUBDIVISION BOND REDUCTION

GG removes himself from the discussion.

Abram Rosenfeld and Lucien Colin are present to request the bond reduction for Silver Heights development.

EM takes over as Chairman for this discussion. He reads letter from the Town Engineer, dated September 5, 1990, explaining that the



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developer of Silver Heights encountered some difficulties in the field locating 3 property bounds. The Town Engineer recommends the Planning Board approve new locations for property bounds. The new locations are 10' northerly from old location of PT on Brion Rd., (easterly line of Lot#4), 10' southerly from old locations of PT on south Center Street (easterly line of Lot #3), 100' westerly from old location of Southerly line of south Center St. on westerly line of Lot #1, on the southerly line of south Center Street.

EM asks if they are moving a lot.

Lucien Colin responds they are not moving a lot. It is the town bounds. If they had put it where it was supposed to be, it would have been in a driveway. They had to move it up 100' because there are no bounds on Center Street.

A. Rosenfeld presents request for bond reduction to \$31,710.90.

EM reads letter from A. Rosenfeld requesting the reduction in the bond from \$71,000 to \$31,710.90. An attached letter from W.W. Contractors, Inc. fixes the cost of the work remaining to be completed at \$15,370.00. EM reads that letter dated August 22, 1990. This is for the finish and sidewalk. EM states this letter should say how long the price is good for.

A. Rosenfeld indicates that he has a contract with them to do the work. The price will not change.

EM reads letter from Guerriere & Halnon, dated August 16, 1990 setting the costs for the installation of 6 42" reinforced concrete bounds on Dorothy Avenue, installation of 8 42" reinforced concrete bounds on Florance Street, prepare street acceptance plans with easements, prepare legal descriptions of road and easements and submitting of plans and descriptions to the Bellingham Board of Selectmen for approval at the Town Meeting. The estimate for the costs of these services is \$4,300.00. EM reads the third attachment from G.E. Gerrior Landscape, dated August 9, 1990, an estimate for street trees, soil additives and mulch base at each tree in the amount of \$4,536.00 as well as another estimate for grass seed and existing lawn to be loamed, finish graded, seeded, fertilized and rolled in the amount of \$2,900.00. EM reads letter from Gerard L. Daigle, Highway Superintendent, dated September 10, 1990, enclosing copies of all the correspondence which he has just read relative to the estimates for the completion of work. Mr. Daigle notes that it is his opinion that the town should grant the petition for a reduction in the amount of the performance bond to \$31,172.90.



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EM makes a motion to approve the request for a reduction in the bond for Silver Heights to \$31,172.90 from \$71,000.00. JM seconds motion. Vote of 3.

EM questions the form of surety.

A. Rosenfeld responds they are waiting to hear from the Planning Board.

L. Colin explains they are willing to give a letter of credit.

EM received a call from the FDIC, Home National Bank. They wanted to know what would need to be done to revitalize the subdivisions and do letters of credit. The individual told him that the FDIC would like to be in on a meeting to discuss this. They may reactivate the letters of credit which the 4 developers had with the Home.

A. Rosenfeld indicates that Milford National will give the town a letter of credit for his subdivision.

EM reads letter from Gerard L. Daigle, Highway Superintendent, dated September 10, 1990 indicating that the Highway Dept. has inspected the roadway known as Brion Road in the Silver Heights section of Bellingham and said road meets and satisfies all Planning Board prerequisites in compliance for street acceptance by the Board and by the Bellingham Town Meeting. The Highway Dept. has no objection to having the town acceptance of Brion Road as a town way. EM explains that a complete as-built is needed before the Board can recommend street acceptance.

L. Colin indicates that it is being done right now. He asks if the as-built should be given to the Planning Board or the Town Engineer.

EM responds that the original should be given to the Town Engineer. The Planning Board should receive a copy.

B. Lord explains that they will need a copy of the as-built and deed before the hearings.

EM explains that they will have to present the request for street acceptance to the Board of Selectmen first. They will put it on a warrant and forward it on to the Planning Board for recommendation to the Town Meeting.

GENERAL DISCUSSION WITH BUILDING INSPECTOR

GG returns to the meeting and takes over as Chairman.



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John Emidy is here with concerns which he would like to discuss with the Planning Board regarding the request for temporary occupancy which he received from Tom Clark for Building 1, William Way. Section 119.4 of the Building Code indicates that he has to notify other town agencies associated with other codes. He is here to officially notify the Board in person. There is still some outstanding work to be done. The associated berms have not been done as well as access to the roadway and parking lot have not been paved. The retaining wall has not been installed.

GG spoke with P. Herr about this. His biggest concern was Algonquin Gas. Before it is paved, the developer will have to dig out the whole gas line, case it in and then pave.

J. Emidy explains they would be casing in the 24" gas line crossing only. Only 24" have to be encased. There is a 39" line which does not have to be encased.

EM read in the newspaper that the developer has applied for tanks. If he is given a temporary permit, they will never see him again.

J. Emidy can give a 90 day certificate.

EM believes the developer will then say that the weather will not allow him to complete the work. He questions why the parking lot is not done.

J. Emidy explains that the developer told him that he had been misinformed by Algonquin Gas. He thought he had to encase the whole gas line. There are a couple of minor building violations. He wonders if the parking lot being unpaved is a safety hazard going into the winter.

EM indicates there was supposed to be a special wall 2' higher. The site plan was approved with a wall and the wall is not there.

J. Emidy went to the site with the state building inspector. He was denied access by Tom Clark. Mr. Clark would have let the state building inspector in, but he did not allow him in since it is a local permit.

EM questions how Mr. Clark could have denied the Building Inspector access when the building is not supposed to be occupied. This plan shows tanks - 5 existing tanks. This is the site plan which was approved.



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J. Emidy explains that this was the last plan which was approved on April 12, 1990.

EM points out that the parking pavement, retention wall and berms are not there for the building which Mr. Clark is requesting temporary occupancy.

EN does not think that the Building Inspector should give him a temporary occupancy permit.

GG indicates that Mr. Clark is trying to build a case against the town saying that the town is being uncooperative. Denying a temporary occupancy permit would help his case.

EN thinks the Building Inspector should issue a 30 day permit.

J. Emidy can put in any condition on the permit.

EM thinks that he should check with Town Counsel first.

GG suggests he give a temporary permit for 90 days.

EM thinks he should put in that the developer will have so many days to put in the wall.

J. Emidy explains that Mr. Clark is not really occupying the full extent of the building. There are only 4 - 5 cars there. He only saw 4 people.

EM questions if there will be tenants.

J. Emidy indicates there will be none at all.

EM questions why Mr. Emidy could not say that no temporary occupancy permit would be given until the Building Inspector is allowed to see the other buildings.

J. Emidy indicates that in his opinion the building is occupied safely. The hazard maybe with ice. He asked the other town agencies if they saw a problem.

EM does not see that the parking lot would need to be paved for only 4 - 5 cars, but there may be a problem with washout.

GG states that the Building Inspector could give a 3 month permit for the work to get done. Two months is plenty of time to do a wall. P.



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Herr said that Mr. Clark could have applied for a special permit for reduced parking. The developer decided not to and said he would go ahead and pave as is. Paving should be made as an addendum to the occupancy permit.

J. Emidy thinks the developer should come back for a special permit for reduced parking.

EM thinks they thought it would be cheaper to pave. Under the new Development Plan Review, the Planning Board can waive parking. Under the old one, they can not. This developer wanted to be considered under the old bylaw. It requires 4 out of 5 for a special permit approval.

GG does not think that he would have had any trouble getting approval for reduced parking. 75 days for a temporary occupancy would give them to the first of December.

J. Emidy indicates that the other town agencies signed off.

EM asks if Mr. Emidy checked with the Highway Dept., Town Engineer regarding runoff. He asks if the catch basin is in.

J. Emidy responds in the affirmative to both questions.

GG states that right now there is no drainage problem because it is impervious surface. The drainage is going right through because there is no pavement.

EM thinks the temporary occupancy permit should say that so many things need to be done and that no extensions will be given until they are completed.

ROWE BACKLOT SPECIAL PERMIT PLAN SIGNING

B. Lord presents plan for Rowe backlot special permit. The decision was dated January 11, 1990 and the 20 day appeal period elapsed on February 5, 1990. The applicant forgot to bring the plan in for the Board's endorsement.

EM makes a motion to sign. EN seconds motion. Vote of 3.

EM states that the applicants for this plan were Vincent Forte and Ernest Rowe.



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B. Lord presents a copy of the signed decision with certification by the Town Clerk that the 20 appeal period passed.

B. Lord would like to discuss Shoppes at City Lights at the next meeting if there is room on the agenda.

GG schedules the discussion for September 27, 1990 at 9:00 p.m.

MAPLEGATE COUNTRY CLUB DEVELOPMENT PLAN REVIEW CONTINUED DISCUSSION

John Nielson, Guerriere & Halnon, sent information to P. Herr regarding an update to the entrance with the sketch which Mr. French presented at the last meeting. He did put the distance off the wall for the parking lot. P. Herr had questioned the lighting. He sent information regarding the lighting and parking to P. Herr. They did one other minor modification by moving the clubhouse location south for the septic system consideration.

EM spoke with the Town Engineer who sent a letter to the Board in July 1990 with a checklist.

GG had a conversation with P. Herr relative to this development. The biggest question had to do with the lighting. He was contacted by Guerriere and Halnon who said they were in compliance with zoning. P. Herr felt there was nothing further wrong with this proposal.

EN makes a motion to close the public hearing. JM seconds motion. Vote of 4.

EM makes a motion to approve Development Plan Review for Maplegate Country Club as presented. EN seconds motion. Vote of 4.

GG instructs Clerk to send letter to Building Inspector approving this development. Letter to state applicant is in compliance with Sections 3200 and 3300, parking and loading requirements of the Bellingham Zoning Bylaws, plan dated August 29, 1990.

PERFORMANCE BONDS ISSUE

GG states that Lee Ambler could not be here tonight to discuss the issue of letters of credit. Town Treasurer does not want to see letters of credit. Denis Fraine does not think that letters of credit are a good idea. P. Herr does not feel that the Planning Board should overstep what the Town Treasurer said. He does not know if the Town



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Treasurer has the authority. He read in the paper that Blackstone is accepting lots. P. Herr does not believe this is a viable alternative for Bellingham. It is the only way for Blackstone to get anything from those developments. GG reads letter from Roger Gagnon, Gil Trudeau, Elm Estates regarding the street security bond which states that the letter of credit from Home National Bank which is now worthless was for street paving, topcoat and berm in the amount of \$35,000. The berms have now been completed leaving approximately \$25,000 worth of work. In order to guarantee the work is completed they propose to convey to the town \$2500 for each of 9 lots in whatever manner the Board dictates. When the 9 lots have been released, they will secure a contract and complete the paving by using the money held by the town to pay for that work. GG states that the 15% inflation factor has not been figured in this proposal. Also, the lot amounts are not enough to cover the bond since there are only 9 lots. P. Herr does not feel this would be a viable alternative. They should set up a meeting with Town Counsel, Town Treasurer, P. Herr, Denis Fraine and members of the Board. They are willing to do it during the day, probably at 4:00 p.m. in the afternoon.

EM wonders if it would be a good idea to have FDIC members at the meeting.

B. Lord states they are stopping all building projects and the mortgages will not get paid off.

GG will call John Regely who works for the FDIC to find out if they want another letter of credit.

EN asks about public hearings for scenic road issue regarding Maplegate. He thought they had to run in tandem with the Tree Warden.

B. Lord believes that the Planning Board's actions were perfectly legal.

EM points out that the trees have been removed already anyhow.

EN questions if the meeting with Fafard relative to the access road took place.

B. Lord responds that it did. No one from the Planning Board attended.

EM states that people have been calling him from Maplebrook. They have a problem with the Execuspace building nearby. They called him and wanted to know why they were not notified about the discussion relative to a revision to the site plan for the building which is owned by Cedar



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Hill Associates. EM explained that it is industrially zoned land. It was not a public hearing because it was a site plan which was approved way back. They also wanted to know when the land was rezoned. EM explained that it has been zoned industrial land for 30 years. There was a message on his recorder last night indicating that the screening was not proper. They should be calling the Building Inspector. He is the policing agent.

GG met with a representative from Cedar Hill Associates the day after the last meeting. This is the site where Babcock Fortress Equipment will go. He told him to put in 6 - 7 trees 8' on the center. The individual was complaining about how much it was going to cost. The Building Inspector will do the inspection.

B. Lord states that when Somerville Lumber was originally proposed, they had maple trees all along the front. They actually saved money by the time they came for the hearing because they took those trees out.

EN makes a motion to accept the minutes of August 23, 1990. EM seconds motion. Vote of 4.

GG reads letter from the Board to Dean Cooperative Bank, dated September 14, 1990 releasing the road bond for Rolling Hills.

EM makes a motion to sign the letter and have Town Counsel review it prior to sending it to the bank. However, maybe they should wait until the meeting with Town Counsel and Town Treasurer before releasing this money. The bond was for a specific road. The road is done so they do not really have a right to hold onto the money.

GG believes that Town Counsel and Town Treasurer should review the letter before GG signs. GG received a letter from Roland LaPrade submitting his resignation as Associate Member of the Planning Board. He will be putting in more time on the recycling committee.

B. Lord states that Mr. LaPrade has to resign to the Town Clerk.

GG instructs Clerk to send a letter to Roland LaPrade stating that the Planning Board regretfully received notification of his resignation. However, his resignation should be forwarded to Town Clerk and the Board of Selectmen.

B. Lord states that being an associate member gives one a step up the next time elections come around.

Clerk points out that the Board received a letter in June of 1990 from



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Lucille Gillen of 816 Maplebrook Road regarding complaints about the Execuspace building.

EM instructs Clerk to send letter to Lucille Gillen stating that the Board appreciates her concerns. However, they should be addressed to the Building Inspector/Zoning Agent. The land is and has been industrially zoned land. Therefore, they have the right to develop the land. The Planning Board is not the enforcing authority. Any violations should be brought to the attention of the Building Inspector.

EN makes a motion to accept the minutes of June 28, 1990 with a revision to change the name Lewinski to Mayewski. EM seconds motion. Vote of 4.

Clerk explains that Suzanne Stearns, Stonehedge Rd., called asking how she can get her road accepted by the town. Apparently, there are problems because there is no turnaround at the end of the road and plows are having problems getting in and turning around.

GG instructs Clerk to send a letter to the Board of Selectmen, Highway Dept., Town Counsel regarding the issue of the cul-de-sac on Stonehedge Road. This issue should be addressed. The Board sent a letter to the Highway Dept about the cul-de-sac. The Highway Dept. sent back a letter saying there was no problem and the bond could be reduced. The plans shows a cul-de-sac.

EM indicates that a copy of the letter which the Board sent to the Highway Dept. regarding the temporary cul-de-sac should be included as well as a copy of the letter which the Board received from the Highway Dept.

EN makes a motion to accept the minutes of July 12, 1990. EM seconds motion. Vote of 4.

EM makes a motion to adjourn at 9:15 p.m. EN seconds motion. Vote of 4.



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Glenn E. Gerrior
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Edward T. Moore
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Emile W. Niedzwiadek
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Anne M. Morse
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John P. Murray
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