



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

January ~~24~~²⁹, 1991

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Meeting was called to order at 7:40 p.m. GG, EM, EN and JM were present.

Board's consultant, Philip B. Herr was also present.

GENERAL

Bruce Lord, Esquire, presents the as-built showing the layout of the road for Brion Road for Silver Heights development. They are requesting that the Board sign the as-built so the town can file the actual road. The road was accepted at the Town Meeting last night. They want to put it on record at the Registry of Deeds so the town has the layout.

EM asks if this applies to the new homes.

B. Lord responds that they are built and existing.

GG states that the new homes are way down in the development.

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

P. Herr states that from the plan it looks like Silver Lake Realty gave an easement to the town.

GG states they cut the embankment. There is a significant upgrade.

Clerk explains that Jeff Sousa from New England Country Club would like to get on the agenda for the meeting of February 14, 1991 to have a preliminary discuss to revise their definitive subdivision.

EM asks if the Board will have to advertise and hold a public hearing to amend this definitive subdivision.

P. Herr responds that they will have to advertise for the amendment, but no notice or advertising will have to be done for the preliminary



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discussion.

GG states that the Planning Board discussed the bond for Beechwood Estates at the last meeting. The Board wrote to Town Counsel and P. Herr asking them for their opinion on how to deal with this situation since the developer no longer owns any of the lots. GG reads letter from Town Counsel dated January 23, 1991 indicating that the ultimate concern at this time would be purchasers in good faith who own the lots, who may or may not be taking derivative title from Sally Dmytryck, Trustee in some other capacity or Trust. The only action available to the Board under these circumstances is still one of rescission whereby you are at least putting parties or owners of record on notice as to the circumstances in a timely fashion with regard to the potential incompleteness of the road installation and other municipal services.

P. Herr feels that Mrs. Dmytryck conveyed a nice sense of responsibility for doing something in her letter. It sounded like she wants to do something.

GG reads the January 10, 1991 minutes indicating that the Board asked for Town Counsel's and P. Herr's opinion on how to handle this situation. There will be at least a one month interim to give the developer time to work this out.

P. Herr states that the Board would like her to come in and post liquid security. He believes the tone of her letter sounded as if it would be difficult for her to do that. However, she may be able to come in with a letter of agreement. The Board has already accepted one letter of credit. That may be worth exploring.

EM states that in her letter, Mrs. Dmytryck indicated that she no longer owns any of the lots. He finds that hard to believe.

P. Herr indicates that can be checked out. They may have gotten transferred. If she is willing to provide some form of security in a letter of credit provided that the institution is credit worthy, he would settle for that.

EM states that rescinding the subdivision would not hold up but they can send notice to the people who own the lots that there is no bond. They would have to go to court.

P. Herr feels they should pursue a cooperative avenue. It would be good for somebody to verify whether or not Dmytryck Enterprises still owns any of the lots.



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B. Lord states that the developer has another entity in town which has no mortgage. He suggests that the town may be able to take the mortgage as security for the road.

GG does not think the town can do that.

EM finds it hard to believe that anyone bought the lots with a road that is not paved. It is a dirt road and the lots are not ready.

B. Lord explains they are double lots with frontage on a paved road. The pieces which are sold are actually on a paved road.

P. Herr indicates that if the Board is looking for a letter of credit they should tell her that.

EM states that they really want something better.

P. Herr suggests that the letter to the developer should state that the Board prefers a passbook or cash security, but due to the circumstances if all she can do is a letter of credit, she should discuss the institution that she is planning to get it from with the Planning Board.

JM states that if the lots were sold in good faith someone will be able to come in and get a building permit.

P. Herr does not know. He suggests they ask the Building Inspector. He presumes that most of the lots do not have houses on them.

B. Lord indicates that most of them do. They combined the lots in 2.

EM asks for P. Herr's reaction to the fact that the developer no longer owns the lots.

P. Herr feels that she knows her rights but is willing to talk about the bond with the Board. He took the developer's letter positively. She does not even have to talk to the Board if she sold all the lots.

JM points out that even if she sold the lots to herself, she will still want to get building permits.

P. Herr states that someone should check that out.

B. Lord is going to the Registry of Deeds. He will find out who the lots were transferred to. He will have to know the name which the



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subdivision was granted under.

Clerk responds that it was Onallam Realty Trust.

GG states they should give her a specific date and time to come in.

EM suggests they schedule the discussion for the Beechwood Estates road bond for February 28, 1991 at 8:00 p.m.

RIVERVIEW PARK PHASES 1, 2, 3 AND 5 DEFINITIVE SUBDIVISIONS

GG reads letter from Bruce Lord, dated January 10, 1991 requesting a continuance for Phases 1 and 5 to June 27, 1991 and an extension to July 15, 1991. GG reads letter from Bruce Lord, dated January 10, 1991 requesting a continuance for Riverview Park, Phases 2 and 3 to March 28, 1991 with an extension to April 15, 1991.

JM makes a motion to continue Phases 1 and 5 to June 27, 1991 and approve an extension to July 15, 1991. EM seconds. Vote of 4.

B. Lord states the reason for the continuance is for the town to re-evaluate the water.

Stephen Racicot questions what the Water Dept. is re-evaluating.

B. Lord responds that the Water Dept. is testing the water well in Phase 5. They will revise the plans if the Water Dept. wants the well. They are re-evaluating what to do on Phase 1.

EM questions the reason for the continuances for Phases 2 and 3.

B. Lord responds that they want to get the approval for Phase 4 before revising the plans so they are in line with both phases 2 and 3. They want to make sure that Phase 4 is in line with that.

JM makes a motion to continue Riverview Park, Phases 2 and 3 to March 28, 1991 at 8:00 p.m. with an extension to April 15, 1991. EM seconds motion. Vote of 4.

BALD HILL ESTATES PERFORMANCE BOND DISCUSSION

GG reads letter from Town Counsel, dated January 23, 1991 regarding Rolling Hills, Release of Bond. He states that the existence of litigation concerning this development is not a sufficient



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justification for the retention of the bond.

EM makes a motion to release the bond in the amount of \$8,860.50 for the David Road (Rolling Hills) subdivision. EN seconds motion. Vote of 4.

GG reads letter from Town Counsel, dated January 23, 1991 enclosing a covenant for Bald Hill Estates. He forwards the covenant for signature by Mr. Bixby of Forge Hill Development. He states that this proposed form of Covenant would not necessarily be suitable for other similar situations. It is unique to this particular application for the moment.

Roger Bixby states that his partner Frannie Moehler has to sign the covenant as well. He will take the original and have him sign it and then return it to the Board.

EM states that if Mr. Bixby sells additional lots after this covenant is recorded, he will have to come up with \$7,000 each time.

R. Bixby will sign the covenant and have his partner sign it. He will return it to EM or GG.

GG asks P. Herr if he has a final draft for the decision for Riverview Park, Phase 4.

P. Herr does have a draft. The one substantive issue has to do with the formula used and what happens if they do not widen the road. What happens if the land is developed and nobody builds any substantive buildings?

EM asks if that is a closed hearing or if they can discuss it tonight.

B. Lord states that the hearing is closed. They can not discuss anything except the draft.

LAKEVIEW ESTATES DEFINITIVE SUBDIVISION

GG reopens the continued public hearing. He reads a letter from Bruce Lord, dated January 10, 1991 requesting a continuance to June 27, 1991 and an extension to July 15, 1991.

JM questions if this has been going on for 5 years.

EM responds that it has been 5 years.



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JM thinks it should be re-advertised if they are going to have a public hearing.

B. Lord states that it was re-advertised 4 - 6 months ago. The topos on one area of the plan have to be redone. They have to resurvey the area. They do not do that in the winter. The developer does not have as much manpower.

EM indicates that one year ago the Board had said they would deny the subdivision unless the developer did something or went to Town Meeting.

B. Lord responds that this is a 32 lot subdivision with 2 accesses. They revised it to a 32 lot subdivision with lots meeting the town's requirements and the road meeting the requirements. The topos are important because they effect the drainage. They are doing it at the Town Engineer's request. The plan will be done to revise the numbers to reflect that particular area. He suggests that if the Board does not want to grant further continuances that a letter be sent to Fafard indicating that no further extensions will be given.

P. Herr explains a case in the Land Use Manager where a preliminary plan was filed before a zoning change. The definitive was rejected. The developer came back with a change to the definitive to meet the objections of the Board. The Planning Board said they did not have to conform with the new zoning. The Judge agreed with the town. The vested rights died when the definitive was rejected. He does not know if that fits here.

B. Lord does not believe that it does because the zoning when they filed their preliminary was still in affect when they filed their definitive.

P. Herr suggests that the Board members look at the piece in the Land Use Manager. It gives new strength to rejecting a definitive plan under certain circumstances.

B. Lord explains that one reason they are dragging this out is to give Fafard time to re-evaluate Shores and this development. They are discussing developing Shores as affordable and leaving this one for a later date.

P. Herr has not heard a legitimate reason for the Board to give them more time.

B. Lord explains that this developer is working on this industrial development. They are doing all the work in house. They have not had



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time to work on Lakeview.

GG states that it is not the Planning Board's problem if the developer can not afford to go out of house to get the job done. The town did not ask him to tie up as much as he did.

B. Lord states that the developer has a lot tied up in this town. It is in the town's interest to do this. The reason is economics. The Board could give them one month to come in with something else.

EN suggests they send a letter stating that this will be the last extension.

JM believes it is in everyone's best interest to start at square one when they do something.

P. Herr states that if they go back to square one they will bring back the same plan and be as complying as this one. The concept plan approval is under this zoning.

B. Lord states that the definitive was filed before they changed the zoning. If the Board feels that some action must be taken, he requests they give them one month to come in. This particular case does not fall under the court ruling because the definitive was in before the zoning change.

EM asks P. Herr how long it will take for him to review the plans if they continue it.

P. Herr responds it will take days.

EM asks if they are ready to take action.

P. Herr does not feel they are ready.

B. Lord states that the Board could approve subject to the topo getting done. That is all that is left to get done.

EM indicates that getting the topo does not mean that the subdivision will get approved.

EN makes a motion to continue the public hearing for Lakeview Estates to June 27, 1991 with an extension to July 15, 1991. They should note that this is the last time that extensions will be granted due to the lingering problems of Silver Lake.



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B. Lord states they have been waiting for the topo changes since October 1990. It has not been the greatest weather to get it done.

EM seconds EN's motion. Vote of 4.

P. Herr states that the problem is that the developer can not come in with revised plans in one month.

EM amends EN's motion to state that notice should be sent out to abutters prior to the meeting and that it should at least be put in the newspaper. Vote of 4.

B. Lord has no problem with that.

GG instructs Clerk to note a reminder to B. Lord in May 1990 to notify abutters regarding the Lakeview continued public hearing.

P. Herr asks Clerk to check the Board's record for the date of the submittal for the preliminary plan for Lakeview, date of action on the preliminary and date of submittal for the definitive plan. He will check that information against the zoning changes.

ELM ESTATES

PERFORMANCE BOND DISCUSSION

GG states that the money for the bond is not in place as of this meeting. He spoke with Michael Grinnell, FDIC who said that the escrow account is in the works. He called later to state that the escrow agreement is ready. They have no problem with using Ben Franklin. He has the check in place and wanted to meet with GG. GG told him that he would have to meet with the Board and not GG.

GG reads escrow agreement and Exhibit A attachment.

P. Herr feels that it is a one way agreement. He would not endorse it. The agreement does not include the as-built, loaming and seeding clean-up. Also, what would the FDIC have to agree to for the town to get the funds? Withdrawal of the funds requires a joint signature. There is no date or time for completion.

EM suggests they forward it to Town Counsel for his review.

P. Herr suggests they forward it along with his comments. This is a real problem. There is nothing to compel the FDIC to sign the withdrawal slip and there is no completion date. They should act expediently.



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Roger Gagnon, Elm Estates, states that the FDIC said they would insert anything the town wanted.

GG points out that there should be deletions relative to #1 where it says withdrawal of funds subject to joint signatures.

P. Herr states that the joint signature is not a problem as long as it is clear as to the terms they are obliged to sign or not. This may be a standard FDIC form. It is not protecting the town. It did not include any loaming or seeding involved in the street.

GG states they are talking about protecting the town and the people who bought in the subdivision.

P. Herr thinks they should work out a solution with the FDIC. The amount of money is enough to do the things which have to get done but they are not mentioned in the escrow agreement.

GG suggests they send a copy of the agreement to Town Counsel and ask him to review and negotiate an acceptable agreement with the FDIC. They want to work out an agreement with us and the Planning Board wants to work out one with them.

Roger Gagnon asks if he will have to wait for another meeting for the Board to act on this.

EM indicates that he will have to wait for the Board to act on it.

P. Herr finds nothing improper with the Planning Board voting provided that it is approved by Town Counsel.

EN makes a motion to approve an escrow agreement with the FDIC for Elm Estates in the amount of \$35,000 provided that Town Counsel approves. EM seconds motion. Vote of 4.

EM questions the time limit on the subdivision.

P. Herr states it is not on the subdivision but on the improvements.

EM questions the number of lots sold. There were 25 total.

R. Gagnon responds that 10 were sold. He has no problem with a 2 year limit for the completion of the improvements.

EM states that the people who bought the homes may have a problem with



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the 2 years.

R. Gagnon indicates there will be no hardship on the people who are there because the road and berms are in.

GG suggests the Board give 18 months. Otherwise, they will be in midwinter again.

EM makes a motion to approve 18 months for completion of the work. EN seconds motion. Vote of 4.

FARM STREET - SCENIC ROAD INFRACTIONS

GG refers to the letter from the Building Inspector, dated January 10, 1991 regarding the Farm Street Industrial sites.

John Emidy, Building Inspector, found a lot of problems with the mini warehouses. The site plan was approved for mini warehouses in the back. They have an easement from NEPS. The final inspection was done on December 28, 1987 and a certificate of occupancy was issued. The ZBA sent a letter to the Building Inspector to enforce parking and screening. Town Counsel was involved. This ended when the property was sold to the present owner who corrected the problems. The previous owner never corrected them.

Tom Palli, abutter, states that the same contractor owned the next 3 lots. Why weren't the next 3 done correctly?

GG remembers Mr. Dymtryk, Mr. Palli and Ms. Michelutti being here at the same discussion. The Board specifically stated they should put in pines and the height of them, but they did not state the condition they should be in at planting. Quality was not stipulated. The developer went out and met the requirements but did not put in quality trees.

EM states that the mini warehouses are not part of the complaint. Mr. Mazzola asked the Building Inspector to go out and look at all the sites and give an evaluation.

T. Palli believes that this lot was used as an example.

EM asks why the other lots do not look like this one.

T. Palli asks about dust control and why the bluestone was not extended throughout the parking lot. He asks why 2 out of 3 lots were allowed to be built this way in contradiction to the way the lot looks across from him. He is using that lot as an example.



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J. Emidy refers to lot 299. Site Plan Review was not required because they had 19 parking spaces. The 125' fence was installed for screening. The street is 57'. He has no final as-built in his record which show the grades of the parking layout.

GG states that the previous Building Inspector knew what was going on when he dealt with the first building. Why did he let it go on with the next one even though it did not come before the Board?

T. Palli states that the Building Inspector was ill at the time. A lot was done by Mr. Cummings. 30+ neighbors asked that the permit not be issued.

J. Emidy did not touch on the trees. It is not in his jurisdiction.

T. Palli indicates that the entire parking area is not screened. Bluestone ends 75' in the driveway. He asks why this is allowed to be done when it is in violation of the bylaws. The guy across from him had a site plan review and had to comply.

GG states that the Building Inspector noted that the criteria for site plan review should have stayed at 10 parking spaces.

EM states that the Building Inspector is the enforcing authority.

T. Palli notes that all through this letters of complain were lodged. Mr. Cummings never went out after the building was built. He gave an occupancy permit based on the as-built. The occupancy permit was given without an as-built and without walking the land.

EM asks the Building Inspector about the portion of his report where he states that the Building Inspector performed his job as required when in fact 299 was given a building permit because he failed to act. Farm Street has little violations compared to those at OPUS.

P. Herr asks if the 299 building is occupied. Does Abbey Realty Trust own the property?

T. Palli responds that Ianatelli rents from Abbey Realty Trust. The bylaw says shall not cause dust. Whenever trucks leave, they create a dust storm.

GG agrees with Mr. Palli. The bylaw states in movement dust control.

B. Lord states that Section 3330B requires that the parking areas be



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paved for all except serving single family houses. The driveway in should be paved.

P. Herr indicates that the question is whether or not the Building Inspector can go in and seek compliance. The real issue has to do with the bluestone. The procedures required to waive parking were not followed. Parking should be paved under the current law. The Building Inspector can point out that they can either pave or come in before the Board.

EM states they have low beds or heavy equipment so it would be crazy to pave. They could put bluestone back to where the trucks are.

T. Palli agrees it would be crazy to pave with 10-wheelers there. It would break up anyway. He seeks no problem with putting in bluestone.

J. Emidy states that at 299 there is one trailer dump and one low bed trailer. The key word is screening cars. These vehicles are a different thing.

P. Herr asks where the fence is.

J. Emidy responds that the fence is around the front of the property.

P. Herr asks what is not screened.

T. Palli responds that the storage area is totally visible.

GG states that storing equipment has to be screened.

P. Herr states that the opening to the street is 57'. He asks if the space not screened is wider.

J. Emidy responds that it is.

P. Herr notes that the real issue is compliance with screening. They need more fence.

T. Palli indicates that the bylaw states a minimum 4' fence. A 4' fence would not screen an 18' truck.

GG states that the problem is they did not come before the Board. The bylaw may be wrong. Maybe they should go back to 10 spaces, but that is a different issue.

P. Herr asks if there are any other issues other than parking and



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screening. They need a drawing to show what has to be done to get it into compliance. He offers his services to review the drawing with the Building Inspector and others who are interested.

J. Emidy can ask them for a site plan of the present plan.

EM questions how they can do that.

J. Emidy can tell them that they have to continue the bluestone and the fence.

B. Lord points out that the fact that they were required to do pavement is a bargaining point. They can do the fence for the pavement.

P. Herr is asking for drawings.

J. Emidy doubts that he will get an as-built out of it. He can send them a letter to continue the bluestone where the storage parking is and continue the fence.

P. Herr states they should do it on a drawing before they complete it. They would want to see it on paper.

GG points out that the plan would be delivered to the Building Inspector and not the Planning Board. It is under the Building Inspector's jurisdiction to bring it to the Planning Board.

EM indicates that they do have to come before the Board for the paving.

J. Emidy asks if that would require a public hearing.

P. Herr responds that the developer would have the option to come under the new bylaw.

EM explains that the Planning Board can waive parking under the new bylaw. They can properly screen and bring in new trees.

GG states that paving is not possible. He feels they should give some consideration to the fence.

P. Herr notes they could screen the vehicles by relocating and hiding them behind the building.

J. Emidy never found a site plan for 303. He found a septic plan but it did not show anything. It uses 299 curb cut to get into the site. He assumes they are in compliance. The town has no bylaw for a common



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driveway.

EM states that when the bylaw says it "shall be screened" it does not mean only in the summer. It means it is screened when the leaves fall off.

T. Mazzola points out that the bylaw says trees common to the area. Oak trees in the summer can be seen through in the winter.

EM explains that the intent of the bylaw was to use existing vegetation if it works.

JM and EN agree.

GG agrees with J. Emidy that the bylaw is vague. The word screen is vague.

P. Herr agrees with Town Counsel's assessment that the bylaw does not say they have to put in evergreens.

JM states that the bylaw does not say screened in July. It should be screened all the time, not seasonal.

P. Herr states that the issue tonight is what is wrong with 303 Farm Street.

GG states they need a tall fence or trees in front. The same letter going to 299 should go to 303.

B. Lord suggests they not say they are in violation. They can make a request that they would like screening.

GG indicates that the site has the same paving problems as 299.

B. Lord states that it is in the best interest of the town and the neighborhood that the developer do it.

EM states that the residents there should receive the same benefit as provided by Somerville Lumber.

J. Emidy thinks they are in violation for storing vehicles there.

T. Palli states this comes under the old bylaw. It is the same violation. They have a parking area along the side for 5 - 6 cars with the same problem of storage in the back.

GG thinks they should approach it the same way as 299.



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J. Emidy states that they are mostly going after vehicles in the back.

T. Palli points out that 299 and 303 share access. They both have 19 parking spaces and share a 57' driveway. They have combined a total of 38 parking spaces. He asks why the 400' site distance did not come into effect. It is a bad corner.

EM and P. Herr indicate that it should have been addressed.

GG points out they did not come in at the same time.

EM states that 299 came in in July and 303 in December.

J. Emidy notes that 303 has problems with screening, storage area, paving and bluestone. He refers to 307 where site plan review was granted. The only thing in is the foundation.

T. Palli points out they have had the building permit for 6 months and only the foundation is in.

J. Emidy can rescind the building permit and tell them to come back for site plan review.

T. Palli points out that the back lots are all industrial under 81-Ps. They are nonconforming lots because the zoning was changed to agricultural for the condos which are not there. He asks why there is no barrier the entire length of the back property.

EM states there are no new people behind him. If the land is developed residential, at that point they can make them do something.

B. Lord indicates that it was industrial at the time it was divided off. The bylaw can not be made retroactive.

EM thinks it would be unreasonable to ask them to put in a lot of trees and a fence now at the back of the property. At the point when someone is behind them, they can be asked to put it in.

P. Herr agrees.

GG thinks that the situation is in J. Emidy's court now. He thanks Mr. Mazzola and especially Mr. Emidy for the time and research he put into preparing this report.

J. Emidy will keep the Planning Board informed.



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GG hopes that the findings were to Mr. Palli's satisfaction. He is sorry it took so long to get to this point. He thinks they should clearly define what screening should be used.

P. Herr will work on it.

WATER RESOURCE DISTRICT REVISED PER DEP REGULATIONS DISCUSSION

P. Herr explains that this proposed bylaw is clearer than the one the town has now. This is the way it is going to be in Massachusetts.

B. Lord states that most of what is banned by DEP is in other regulations anyway. They are saying things which are already there.

P. Herr states that the difference between the 2 water districts has virtually gone away.

EM asks how Section 4931 would apply to Somerville Lumber if they had one corner in a Water Resource District.

P. Herr explains it would apply only to that corner.

EN states that it was rewritten at the state level because of problems with water seepage.

P. Herr indicates that is correct. There has been steady erosion to the water supply because of development recharge area to the wells. This makes sure the area is protected and will stay pure.

EN points out that the former dump is sitting in a Water Resource District. He asks how long before it regenerates itself.

P. Herr responds that it is essentially never.

B. Lord states that part of the reason for closure is to ensure no leakage.

EN points out that the water underneath is in motion and going somewhere.

P. Herr states that it is going somewhere. We hope it is going away from the public water. Otis AFB has several dumps which seaped after enormous closures. Viruses and bacteria can be taken out. Other things can not be. They hope it gets diluted when it erupts in the ocean.



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B. Lord states that if the dump contaminates it will get everything south. If the leakage gets out, it will leak to Silver Lake.

EN knows of a place in New Brunswick where they can not eat the fish. there is no way to contain it.

GG states they are all ready to schedule a public hearing regarding this proposal.

P. Herr suggests they hold the public hearing in March 1991. The Board should send a copy of the proposed article to the Conservation Commission and the Water/Sewer Dept soliciting their suggestions. The Board should ask for the input before they advertise for the public hearing.

EN makes a motion to schedule the public hearing for the Water Resource District revised per DEP Regulations for March 14, 1991 at 8:00 p.m. EM seconds motion. Vote of 4.

GG instructs Clerk to copy the proposed article and forward it with a letter to the Conservation Commission and the Water/Sewer Dept. asking for their input by February 28, 1991.

P. Herr indicates that he would want to be present at that public hearing.

GG states that motion is amended to schedule the public hearing for March 28, 1991 at 9:00 p.m.

Leo Mayewski asks if the town is adopting state regulations.

P. Herr responds they are not the straight state regulations. There are things which the state does not require which Bellingham has for some time. However, everything which is in the state regulations is in.

L. Mayewski asks when it will become effective.

P. Herr responds that it was promulgated in October 1990. They have 3 years to comply. It is effective immediately but they are giving grace.

RIVERVIEW PARK - PHASE 4
DISCUSSION RE: DRAFT DECISION



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GG states that B. Lord presented revised plans at the last meeting. P. Herr has a revised final draft decision to present.

P. Herr states that Fafard changed the drawing on January 10.

B. Lord indicates that the changes are in compliance.

P. Herr further states that the plans arrived at his house last night. Before the Certificate of Approval discussed things which were not putting on the drawings. He took that out because they put it on the drawing. Town Counsel was concerned about dealing with the plans as a whole.

GG refers to item 2c Screening.

B. Lord states that can be addressed by being descriptive. They could put an earthen berm with vegetation.

P. Herr states that 2c will be covered under site plan review before anyone proceeds.

GG refers to the earthen berm in Ashland which is not very good.

B. Lord states they can indicate how they want it finished.

EM indicates that 2c should be done before building permits, not occupancy permits.

P. Herr states that it would normally be before the occupancy permit.

B. Lord points out that part of the berm construction is from excavating.

P. Herr refers to items 2d, e and f where the formula is discussed. Town Counsel is concerned that a development may occur which would not allow for much of a building but a lot of traffic like the use proposed by the Fortune 500 Company. P. Herr told him it was based on trip generation. The likelihood of this section having that kind of use is low.

EM asks if a truck carrying 7 cars is one trip or 7.

P. Herr indicates that would be one trip. 1.5 per square foot is simple.

EM states this is based on the building floor area.



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P. Herr points out there is a huge difference in the rate of generation/floor area for retail/industrial uses. It is so much per square foot. This is what they wanted. On this parcel it is o'kay, but it would have to be different for another phase.

JM states they could charge so much per parking space.

P. Herr indicates that it not a good indicator. Parking generation in retail comes and goes.

JM likes the simplicity, but a 2 - 3 story building will have to pay a lot and an auction will pay less.

P. Herr states that an auction is not proposed for this subdivision.

EM thinks they will be setting a precedent by using this formula.

P. Herr states that this would not work for Phase 3. They would receive equivalent treatment but would not use the same formula. Phase 4 will do most of the work. Phase 3 will get a relatively light ride.

GG does not know what it says about the berm on the plan.

P. Herr states that the plan says there shall be a landscaped berm.

GG states that the one in Ashland was not screened enough. There should be a finished effect grassed in from the road to the top of the berm.

P. Herr said they should berm to effectively screen the parking to off-site visibility. The residents along Maple Street do not want to look at that. Landscaping will be at site plan review.

B. Lord states they will get a second shot at site plan review. They will have partial screening with the trees there because they can not be removed because of the scenic road bylaw. They can add to 2c dense screen of evergreen 4' in height.

GG states that the berm should be behind the trees on Maple Street. It should start 3' in from the trees.

B. Lord agrees they can have the berm behind the trees.

EM was under the impression that the berm would be the length of Maple Street.



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B. Lord responds that yes, that is the intention. It is the developer's intention to have the industrial screened from the housing.

GG asks if the height of the berm is shown is a cross section.

P. Herr does not have the plan and is relying on memory. It does not lie in the street circumference. The berm is 4' above the center line of Maple Street.

EM asks why they do not have it at 6' or 8'.

P. Herr thinks that 4' is better.

GG thinks a 6' berm works. 4' is effective for the person in a vehicle, but not standing. The berm should be 6' above the center line of Maple Street with dense screening at least 4' in height of dense evergreens.

EM states that it should be nursery grade stock.

GG asks if the drawing shows a sidewalk.

P. Herr states that it does not, but it does commit to one. They propose a cross section to construct a little piece of the road which bends and turns into Century Drive at the south end. It shows the pavement at 20' wide. It should be 24' or 26' but 20' is probably the right dimension. It keeps it narrow.

GG asks what happens with the street labeling.

B. Lord states that only a Town Meeting can change that. That is a proper question when they come in for street acceptance.

EM states that the new road can be called Maple Street and the old one can be Old Maple.

P. Herr notes that the Board approved the plan some time ago. They are now just certifying approval. This locks in the January 10, 1991 version of the plan. The applicant should produce a January 26, 1991 version with a note regarding the berm.

B. Lord asks that they accept it as is with the change on the plan relative to the berm.

P. Herr does not feel there is any harm in executing this original.



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B. Lord states they are putting 2c on the plan.

L. Mayewski refers to item 2f relative to the road improvements. If nothing happens in 6 years, the developer will get his money back.

P. Herr indicates that is right.

B. Lord states that is if they are not at the point to need improvements.

P. Herr states that is not necessarily true. Case law in the courts found against municipalities who keep the money for too long. There is draft legislation in Massachusetts concerning this issue. It is not reasonable to take the money and not provide the service.

EM thinks it is reasonable to think that something will go there in 6 years.

EM makes a motion to sign the Certificate of Approval. JM seconds motion.

GG states that P. Herr will see the changes to the plan relative to the berm.

P. Herr will verify that the berm and sidewalk are there. The plan will have a different date than this certificate.

GG points out that approval is contingent on the berm, sidewalk and date change to the revised plan.

Vote of 4 to sign the Certificate of Approval for Phase 4, Riverview Park.

P. Herr states that the plans should be brought in within 1 month.

BELLINGHAM HOUSING AUTHORITY COMMITTEE DISCUSSION

GG states that Ray Ladouceur from the Bellingham Housing Authority contacted him seeking a member of the Planning Board to be on a committee. He wants someone from the Board on the committee so the Planning Board will understand when they bring in their site plan of the houses.

EM asks if this can end up as a subdivision.



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P. Herr responds that it can.

GG asks if anyone is interested in serving on the committee.

Members feel it would be a conflict for one of them to be on the committee.

GG instructs Clerk to send a letter to Ray Ladouceur at Wrentham Manor, Bellingham Housing Authority, Wrentham Road, Bellingham, stating that his request was discussed at the regularly scheduled meeting of January 24, 1991. The Planning Board agreed they would prefer not to take part in the design review committee for the project on Center Street. The general consensus of the Board is that a conflict may arise. Therefore, the Board members decline Mr. Ladouceur's invitation to be a member of his committee. However, the Planning Board wishes to thank him for the invitation.

GG asks if P. Herr will work on the bylaw for screening.

P. Herr will work on that.

JM makes a motion to close the hearing at 11:36 p.m. EN seconds motion. Vote of 4.

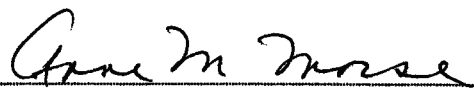
Glenn E. Gerrior, Chairman



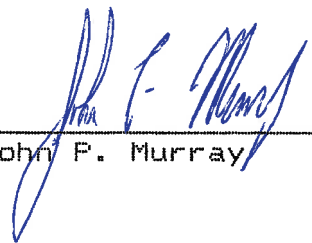
Edward T. Moore, Vice-Chairman



Emile W. Niedzwiałek



Anne M. Morse



John F. Murray