



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

February 14, 1991

Meeting was called to order at 7:45 p.m. All members except GG were present. EM acts as Chairman in GG's absence.

Members execute covenant for Bald Hill Estates. Covenant will be forwarded to Town Counsel for filing at the Registry of Deeds.

EM refers to the escrow agreement between the FDIC for Roger Gagnon, Elm Estates and the Town of Bellingham. The FDIC agreed to put \$35,000 in an escrow account at Ben Franklin Savings Bank. It will require joint signatures to be withdrawn. The Board already acted on this at the last meeting. The Board voted that the \$35,000 was sufficient based on the Highway Dept. and the previous bond. The date for completion of the work was changed to July 31, 1992. The agreement was drafted for signature by GG, but he is away. The agreement will be signed by 4 members of the Board.

EN asks if the FDIC agreed to sign.

EM responds that yes they did agree. It is going to them tomorrow for signature.

Members sign escrow agreement for Elm Estates.

Kathy Jones from the Woonsocket Call introduces herself to the Board.

SUBMISSION

Alexander Zaleski, E.S.P. Associates, presents a second plan for First Avenue for property owned by Carl Chambers. The earlier plan was signed 2 years ago. This is in Land Court and they want a smaller plan. They want to set the bounds and in the meantime the town paved the road. They had to reset the points and resurvey because things shifted 1".

EM asks what shifted 1".



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 2

February 14, 1991

A. Zaleski responds that it is not in exactly the same position, but is very close. The relationship between points has not changed.

EM states that there was a house half built on this property which was started 4 - 5 years ago. The drainage ditch was making water go across the street into the river. He asks who is building the house.

A. Zaleski responds that it is Carl Chambers. They are going to Land Court for a tax title. They want to make sure the title is clear.

EM states that lots 1, 2, 3, 4 are all pre-existing nonconforming lots which are being combined to form one lot.

EN makes a motion to sign the 81-P. AM seconds motion. Vote of 4.

EM reads letter from P. Herr, dated February 12, 1991 regarding Lakeview Estates. He refers to a recent issue of the Land Use Manager which called attention to a recent court decision of Aronsen v. Planning Board of Tyngsborough in which the Appeals Court found that only plans submitted within seven months of submittal of a preliminary plan enjoyed protection against zoning change. A revised plan submitted following Planning Board disapproval was found not to enjoy such protection. The relevancy of that decision for the Lakeview Estates plan is:

1. If the Planning Board should disapprove the 1990 definitive plan now before them, the zoning applicable to that property would apparently become the 1991 zoning, even for a revised plan intended to meet Planning Board objections to the disapproved plan.

2. The April 1990 plan and development relying upon it would be subject to 1990 zoning if it were interpreted that that is a new plan, since it was submitted more than seven months after the preliminary plan. The 1990 plan has a different point of egress on the north, and a hugely different number of lots. It includes a slightly different area on the south, including a little land not in the old plan and apparently excluding a little land included in that one. Its drainage scheme is hugely different than contemplated in the 1986 plan. If that is enough to constitute a new plan, it is not protected against zoning change. If the applicant agrees that this property is subject to 1990 zoning (for 8 years) upon approval of the 1990 plan, there is no problem. If he disagrees, you should seek a ruling by Town Counsel regarding what zoning is applicable to the plan now before you.

EM feels that the Board should seek a ruling by Town Counsel anyway.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 3


February 14, 1991

He requests that Clerk make copies of the letter so he can give it to Town Counsel tomorrow.

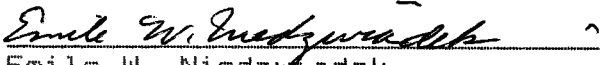
Correspondence/Invoices.

Meeting adjourned at 8:45 p.m.

Glenn E. Gerrior, Chairman



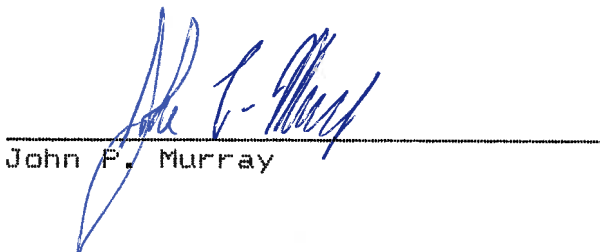
Edward T. Moore, Vice-Chairman



Emile W. Niedzwiadek



Anne M. Morse



John F. Murray