



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 28, 1991

Meeting was called to order at 8:00 p.m. All members except GG were present. EM acts as Chairman in GG's absence. Board's consultant, Philip B. Herr, was also present.

MEADOW WOOD CONDOMINIUM

AM removes herself from the discussion since she is an abutter to the parcel.

Sid Halligan who is a partner in the Meadow Wood Condominium project is here to request an extension of the special permit.

EM asks where the project is.

AM responds that it abutts Schaefer property.

S. Halligan presents a letter to the Board from Leo Blair of the Meadow Wood Limited Partnership, dated February 28, 1991. He and John Rabe have been before the Board regarding this project. Mr. Halligan states that he has been a partner since this project originated but has never been before the Board.

EM reads letter which requests that the Board vote to extend the special permit for good cause for one year effective March 19, 1991. The reasons for requesting this extension are the same as last year. They feel that the benefits to the town include, 1) the development would include a 10" water main through the property, looping South Main Street to Center Street, 2) the project would include a connection to the new south Bellingham sewer line at Newland Avenue and Center Street, 3) the road maintenance is done by the condominium association, not the town, 4) the gross property tax revenues would be at least \$250,000 higher from a condominium development versus single family homes and the fees from building permits are nearly tripled, 5) 70% of the existing land and vegetation will be left undisturbed, 6) there will be better groundwater recharge due to less paving and the



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existence of detention ponds and 7) there will be 1/2 the number of school children. The letter further states that in the absence of the extension the option of developing this site as condominiums would be lost. As a result of the present economic conditions it has been impossible for them to develop the land on the time-table which they had envisioned.

JM asks if a developer from Franklin, Pat Margarite is in on this proposal.

S. Halligan responds that he is no longer involved.

EM is not ready to act on this. The Board must think about it. It requires a vote of 4. He suggests that Mr. Halligan come back at the next meeting. AM is an abutter so she is not able to sit on the special permit. Since GG is on vacation, there are only 3 members present who can act on this. Some points noted in the letter are good reasons not to renew the special permit. He likes the idea of retaining 70% of the existing land and the ground water recharge. He does not see the condominiums happening now. Maplebrook Condominium is still unfinished. Stony Ridge was never done. He does not want to see another condo get started and not finished. He talked with a member of the Water/Sewer Board before coming tonight. The sewer line is at Newland Avenue, Green Acres. He would be very surprised to see anything happen here.

S. Halligan points out that their bank has stayed with them on this project for the original 264 units. There is no way they can begin the project in today's economy. Their intent is to keep the permit in place and do a build out.

EM asks if that means the phasing will start whenever they start.

S. Halligan indicates that is correct. If they loose the special permit, it would be very difficult for them to start again.

EN asks if there was another plan presented for this proposal with changes.

EM responds that this project was always the same.

S. Halligan states that they did think about alternate uses but they have not submitted anything.

EM points out that it said in Mr. Blair's letter that if the permit is not extended the site may end up getting developed for some other



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business or residential use. That may be the way to go with the way the economy is now.

S. Halligan asks if there is any information which he can prepare to present to the Board to benefit their case. They want to keep the special permit in place since the bank has stayed with them through this.

EM suggests he contact the Water/Sewer Board to see if they will endorse or encourage the extension of the special permit. They could also contact the Conservation Commission to see if they agree that the proposal will disturb less vegetation. He questions item 7 in Mr. Blair's letter which indicates that they will have 1/2 as many school children with a condominium. There are a lot of school children in condominiums.

S. Halligan states that they came up with that number using statistics times the number of houses and the number of condominiums.

EM states that the school buses go through the condos which are now built in town.

S. Halligan will check with the local schools to verify the number of school children coming from the condominiums.

EM explains that the Board has no choice but to put this off because they have to have 4 members to act on a special permit.

BEECHWOOD ESTATES

AM returns to the discussion.

EM asks if anyone is here for Beechwood discussion regarding the performance bond.

No one responds.

EM asks if P. Herr has any direction for the Board regarding this matter.

P. Herr responds that he has none.

Clerk explains that she spoke with Sally Dmytryck, Trustee of Onallam Realty Trust, today. Mrs. Dmytryck stated that she would not be attending tonight's meeting to discuss the performance bond for Beechwood Estates. She further stated that she had referred the matter to her attorney.



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EM notes that at the last meeting Mrs. Dmytryck sent a letter to the Board stating that she no longer owned any of the lots in Beechwood Estates. He took a ride in there with his truck and almost did not get through. The loop is unpaved and unfinished. There is a building next to the retention pond with someone living in there. There is a garage/barn on the right but no house. They had originally come in with one plan and then the Army Core of Engineers got involved and they came in with another plan.

P. Herr states that they redivided the lots.

EM notes that there is a power line and easements. He has trouble convincing himself that all the lots are sold as indicated by Mrs. Dmytryck. Research at the Registry came up with who the lots are owned by. 3 are still owned by Bap son Realty Trust of which Sally Dmytryck is the Trustee. 3 are built on the paved part.

P. Herr asks if the lots in the back are all sold.

EM does not know. He checked with the Building Inspector's office to find out which lots have permits and which do not. The first 4 lots are owned by the same person. Someone bought 4 lots in the unpaved portion. The question is how to protect them. Some of the lots were joined. They came in with a new plan and redivided the lots.

EN states that according to the research, Mrs. Dmytryck still owns the lots because she is the trustee of Bapson Realty Trust.

B. Lord explains that a trust is not owned. It is a different entity.

EM states that all of Mrs. Dmytryck's lots are all on the road.

P. Herr states that the 2 trusts have a common trustee. One of the trusts conveys to the other. She may have been accurate when she said she did not own the lots.

EN states that the trust owns lots 10, and 12 and 13 which were combined and lots 17A and 18.

P. Herr states that the different trusts own 3 things. The real issue is the people up there.

EM states that someone from Beechwood Estates called the Highway Dept. the other day to get plowed. It was a straight forward subdivision. The road, if finished, would be accepted by the town.



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AM asks if EM asked Town Counsel about this situation.

EM did speak with Town Counsel and he said they would probably loose if the Board rescinded the subdivision. She would take the town to Court. She may win in the long run. It would put the burden on them to take the town to Court.

P. Herr states that a public hearing has a way of bringing people to the table.

EM thinks they should get the people who own the lots here and let them know that the road may never be finished.

B. Lord states they should make sure that everyone on the street is notified.

EM thinks that Mrs. Dmytryck still owns the lots and is leasing them.

AM feels that if someone is leasing the house, they would not be complaining because they would not want to be evicted.

EM instructs Clerk to get everything in order (an abutter's list from the Assessor's office) for the next meeting to schedule a public hearing to rescind this subdivision for some time in March 1991 or April 1991.

NEW ENGLAND COUNTRY CLUB

PRELIMINARY SUBDIVISION DISCUSSION RE: PAINE STREET ACCESS

Gary Martinelli presents a Form B, application for a preliminary subdivision.

EM asks about a fee for the preliminary plan submission.

Jeff Sousa, project manager, will drop off a check tomorrow.

P. Herr does not know if the fee will be on the whole development or only part.

EM opens the discussion. He explains to the audience that this is a preliminary plan, not a definitive subdivision. Therefore, this is not a public hearing, but the Board will take questions. He instructs anyone with a question to raise their hand and state their name and address for the minutes.



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Gary Martinelli introduces himself as counsel for New England Country Club. He also introduces Jeff Sousa, project manager and Carl Adamo, project engineer. They are here to seek approval of their preliminary subdivision plan which represents an amendment to the existing subdivision plan. The main change is the access through Paine Street. The plan was originally approved with 2 means of egress: one out Bound Road and to Wrentham Road via a bridge which crossed over the wetland. A covenant with the town precluded them from egressing Paine Street. The covenant was waived at the Town Meeting last fall with the recommendation of the Planning Board. Now they are before the Board with the plan showing the proposed egress to Paine Street.

G. Martinelli explains that the right angle of the road will be smoothed out. The desirable site distance is good. The bridge going over to the wetland to Wrentham Road will be eliminated consistent with the Conservation Commission. Last night the Conservation Commission approved the revised plan. Their principle concern was that construction of the bridge would cause damage to the wetland vegetation. The emergency egress will be eliminated. The road will not be the actual egress. They will create a new lot where the egress was which will compensate for a lot which will be lost elsewhere. The driving range will be altered. The original number of 237 lots remains the same but the configuration is changed. There was some concern from the town regarding traffic from Paine Street at the entrance and at Wrentham Road. The club will build a safety lane.

EN states that Paine Street is a county street and not a town road. If they do something, they will have to get county permission first.

Carl Adamo states that the safety lane will eliminate a car being beside another when they are both going the same way.

G. Martinelli indicates they are willing to do the improvements subject to approval.

EM asks if the plans were run by the Highway Dept., Fire Chief and the Town Engineer.

J. Sousa states that the plan is based on actual survey of plot maps.

C. Adamo points out that it is not aerial, but it is accurate.

EN thinks it is facing more towards Fulaski Blvd.

C. Adamo states they will put in an intentional island and striping to do that.



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EN asks about people turning to Wrentham Road from Paine Street.

C. Adamo responds that the access is wide open with the Fire Station there.

P. Herr notes that New England Country Club has stated they are prepared to support traffic improvements consistent with what the town wants.

Mitch LaPlante (audience) states that both Wrentham Road and Paine Street are county roads.

EN asks where the existing clubhouse is.

G. Martinelli points out the clubhouse.

EM states the present clubhouse is on lot 16/45.

EN thinks that is a tough grade.

EM indicates that it is already part of an approved subdivision. They can change Paine Street to intersect with Manchester.

P. Herr points out that the road width is different and the drainage is somewhat different.

EM asks if the road is narrower or wider.

P. Herr responds that it is wider. It used to be a minor street. Now it is at collector street standards.

J. Sousa notes they will have a driveway off Country Club Drive to get to the Country Club. They will have 2 driveways off the road to get into the Country Club parking lot.

G. Martinelli points out that the area around the clubhouse parking lot will be expanded.

P. Herr states that the clubhouse frontage will be to Wrentham Road. He asks about the area where there used to be a house and there are not weeds.

G. Martinelli responds that that area is not part of the subdivision.

J. Sousa indicates that it is up to the owners. They may decide to see



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B. Pearcey states there are oil tanks in the foundations.

EN asks if there was a problem with standing water when the houses were there.

B. Pearcey responds that there was not to his knowledge. This started shortly after he moved in.

G. Martinelli indicates that this is not the time to bring all this up. It is the wrong forum.

EM indicates that it should be brought up at the definitive stage.

Alan Sawyer, neighbor of Mr. Pearcey, indicates that his problem is not as bad but they did bury stuff there.

EM indicates that it should be graded.

J. Sousa states they asked for permission to come on site and they offered to backhoe, but they received a letter from the Health agent before the Town Meeting.

P. Herr sees this as an obstacle to being able to pursue the plan.

J. Sousa states that in a letter in 1988 they noted their intention for the lots and that there was a hazard there. The Building Inspector at that time, Maurice Gregoire, asked them to bury it as a temporary condition. They will excavate and take the foundations out and loam and seed. They figured they would dig it out when they did the bridge.

B. Pearcey wants to make sure this will be handled before the 300 houses are put in.

EM thinks it should be taken care of before even one house is put in.

B. Pearcey has made 10 - 12 phone calls to the Conservation Commission and the Health Dept. to do something about this.

EM instructs Clerk to send a letter to the Board of Health asking them to look into the existing foundation and debris which was left at Wrentham Road where the houses were removed. It should be a follow up letter from New England Country Club granting permission for them to look into it. Residents who are concerned have been before the Board.

J. Sousa states that Bungay Brook is in back of the house. They are



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willing to covenant that before they have access to Paine Street, the foundations will be taken out and it will be regraded and seeded and cleaned up.

EM states they could send a letter to the Building inspector making that a condition of approval for building permits.

J. Sousa notes they did not change the drainage pattern.

B. Pearcey states that the pictures show the water coming down the hill.

AM asks if the pictures were taken during the intense storms.

B. Pearcey further states that there are 2 abandoned buildings which are existing sheds which may be a safety problem or hazard.

EM states that should be mentioned to the Building Inspector. He reads letter from the Board of Health, dated February 11, 1991 to Carl Adamo. The letter states they will review the Preliminary Subdivision Revision at the next regular meeting on February 25, 1991 in the Town Hall Annex. Therefore, the Board of Health will not be able to respond to the Planning Board's February 14, 1991 meeting. The Health Agent further states that the Board of Health approved this subdivision with a condition that the applicant received approval by the DEP, Division of Water Pollution Control for sewage disposal. Documentation of this approval is to be provided to the Board of Health. No approval of this documentation has been received by this office.

C. Adamo explains that they wanted to meet with the Planning Board first. Because of a change to the curve, they were asked for approval for the sewer connection. A permit was filed with the DEQE.

J. Sousa indicates they were permitted by Massachusetts.

EM reads letter from the Fire Chief, Richard Ranieri, dated February 13, 1991, wherein he states that he has no problem relative to the roadway widths. When the fire flow data was reviewed previously the water connections included a 12" main on Country Club Drive connecting to an existing 10" main on Wrentham Road near the Water Department. He recommends that in addition to the previously approved connections, one on Paine Street and one on Wrentham Road near the Wrentham line, that the connection to the 10" main on Wrentham Road still take place prior to construction. He approves hydrant locations as per Water Dept. regulation of spacing of 500 between hydrants. He also spoke with Mr. Emile Belanger from the Water Department and he concurs that the water



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main connections as previously approved and detailed above take place as well.

G. Martinelli states they would rather hook into a 6" line on Paine Street.

J. Sousa states there is a 12" main which connects to a 10" at the Fire Station at Wrentham Road. They will run the line down Paine Street and hook into the 12" line.

Em states there will be some benefit to the existing houses all the way down.

Steve Racicot, member Conservation Commission, states that the Conservation Commission agreed with the plan in principle provided that the applicant file an amendment to their notice of intent. They prefer the new road because it eliminates all the impact to the wetlands and protects flood storage. It is a better plan from a wetland perspective. Eliminating the bridge is a plus to the environment to the area. It could replicate the wetlands elsewhere. No storage goes into the flood storage capacity.

EM indicates that that should be followed up with a letter from the Conservation Commission.

P. Herr asks if the Board has heard from the Town Engineer.

EM indicates that he is waiting for the Planning Board to forward comments.

P. Herr states that the drawings were confusing to him regarding changes to the drainage scheme and issues regarding flood storage.

EM instructs Clerk to send a note to Town Engineer with the plans to review the drainage scheme, issues regarding flood storage, and look into the intersection island.

P. Herr has concerns that the road/drainage works. The content of the road configuration is now fine. They may lose or gain. There is a question relative to the configuration of Paine Street. He saw 2 versions. There may be more.

EM asks about the center island.

C. Adamo responds that they originally looked at 2 islands to free the right. After conferring with P. Herr, they determined that it was



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confusing for the entrance. They will leave an open stripe and put something on the side. They will have low shrubs at the access entrance. The second time they talked with P. Herr about channelization with a teardrop and some landscaping since it is the main entrance to the golf course. They are in the process of looking at that and discussing that. They will work out something in more detail the next time they come before the Board.

P. Herr states that the number of trips is not enough to make channelization necessary. The issue regarding freeing a right turn is necessary. It effects the right of way and seems to effect flood storage. It also effects the configuration. It should get resolved at the preliminary stage rather than have it deferred to a later time. If they propose just this, there are not grounds to say that is not enough.

EM asks if the figures have been sent to the Town Engineer.

P. Herr responds that was done before the Town Meeting. The only thing which he needs to spend time on is to walk through how the drawing works.

EM asks if that will be done at the preliminary stage.

P. Herr thinks it should because they are approving the concept. It is a good time to get in.

J. Sousa states they would like to set up a meeting to walk through the plan with the Town Engineer.

G. Martinelli asks if the Board would prefer to approve this plan subject to the Town Engineer's review or should they continue to another meeting.

EN thinks they should wait to act on the plan.

P. Herr indicates that the normal course is to hear from the person before acting on the plan.

G. Martinelli asks if it is possible to reschedule the discussion to the next meeting.

EM continues the preliminary plan discussion to March 14, 1991 at 8:30 p.m. They should get to the Town Engineer with the plans for a review. In the meantime, they can find out something from the Board of Health about the lots and debris which should be corrected.



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B. Pearcey states that it was his understanding that a letter would be sent to the Building Inspector stating that no building permits would be issued until they clean up the lots near his house.

EM indicates that they offered to do that before building.

B. Pearcey wants to make sure that will be taken care of before they are allowed to proceed.

EM indicates that yes, they agreed it would be done before building permits were issued.

P. Herr asks if the sidewalk is directly abutting the travelled way.

J. Sousa responds that it is. They have a 29' asphalt road with bituminous curve and bituminous sidewalk.

Alan Sawyer, 211 Wrentham Road, notes that there is a school at the intersection of Wrentham and Paine Street.

EM indicates that yes the Board is aware. The Safety Officer is involved.

EN makes a motion to continue the preliminary plan for New England Country Club. AM seconds motion. Vote of 4.

J. Sousa asks if someone will advise them of the fee.

P. Herr will review to see if the fee applies to all the lots or only the ones in question.

B. Pearcey wants the Board to be aware that there is a school zone there with a crosswalk light. They can not stop where the line is proposed because they can not see.

EM states there will be less traffic at the intersection than there would be if the entrance was at Wrentham Road.

P. Herr notes that there will be more traffic than there is now.

WATER RESOURCE DISTRICT DISCUSSION

Steve Racicot, member Conservation Commission, was asked to attend this meeting to present their input relative to this proposal. They had a



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meeting last night so a written response is not yet available. He refers to page 2, item b5, earth removal to within 4 feet of historical high groundwater unless regraded to a higher level within 45 days, except for excavations for building foundations or utility works. He asks how an applicant will estimate historical high ground water. It does not refer to a point or how it is estimated.

P. Herr responds that most of this language comes from DEP. Subsequent to preparing this, the DEP sent him advisory guidance materials. He never used the term historical high ground water before. The DEP had suggestions on how to deal with it and they sounded reasonable. He will send a copy to the Conservation Commission and also bring one to the public hearing.

S. Racicot further refers to page 3, item f which states "In Water Resource District I only, removal of existing groundcover vegetation from more than 70% of lot area." He asks how no more than 70% was figured. What protection is afforded if 70% is taken? Why was 70% used? It leaves only 30% vegetation.

P. Herr thinks that is a historic number.

S. Racicot asks why the number is not lower. Vegetation purifies and filters water. There is more slowing down of storm water drainage. P. Herr notes that the DEP does not have a requirement relative to that. He retained what was in the bylaw. Section 4932 items a. says 40% but it should be 30%.

S. Racicot states that if one is allowed to remove 70% of the vegetation, they would only be allowed to put building footprints on 30%. The other 40% could be gravel or dirt. The gravel/dirt would bring silt down into a Water Resource District. Wouldn't the extra vegetation filter it?

B. Lord indicates that the rest of the law would prevent that. They may have unpaved parking area in some areas.

S. Racicot states that if a parking lot is unpaved, antifreeze and oil will go into the ground in a Water Resource District.

P. Herr did not intent to change that. He left it the same as the present bylaw with the same percentage of impervious surface. They are concerned about the portion of the lot being pervious but not the existing vegetation. If they have to limit the impervious to complement the existing vegetation, it would leave nothing.



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S. Racicot asks if there is protection if an industrially zoned area is in a Water Resource District.

B. Lord notes they can not have more than 10% off site drainage.

P. Herr states there are heavy restrictions as to what can go there.

S. Racicot refers to the 70% in item f, page 3 again. He asks if it would be reasonable to bring the number down to 60 or 50% or another number in a Water Resource District. There is a report out of Boston stating that the Charles River Basin will be strained by the year 2000.

P. Herr states that everything which is not paved is vegetated. This town would prefer to have the industrial tucked into the woods rather than sitting with huge lawns. It is less jolting to the environment. If they make the percentage of existing vegetation larger, it gets tough. He never saw anything analytic about this. Another community did similar changes like this. They sent it to the DEP. They sent a response. These changes reflect that.

S. Racicot asks if Water Resource District I is protection enough or if a buffer zone is needed when it gets to where the groundwater is.

P. Herr responds that this town has 3 layers of protection. There is the land immediately around the well with 400' around at least by state regulation and then zone 1 and zone 2. The difference between 1 and 2 is not large.

S. Racicot states that zone 1 is a more protected area. It may be the recharge area.

P. Herr states the area is directly drawn down to the well. Zone 2 drains to zone 1.

S. Racicot again asks why the 70% could not be 50 or 60% or at least have some way to make sure there is vegetation and not dirt and gravel.

P. Herr states that there is a change which satisfies the DEP relative to page 2, item 3b. It is exactly what the DEP asked for, but later said it is not correct. It should read "Storage of animal manure unless covered or contained. "in accordance with US Soil Conservation Service specifications" should be deleted. Section 4984 presently gives some discretion allowing recharge of storm water runoff after consulting with the Conservation Commission or Development Plan Review. Everyone agrees it is a bad idea to recharge on site. The DEP regulation says render more than 15% impervious, then they would have



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to have an artificial system on site to recharge with oil separators. He will make changes to the proposed bylaw. He will verify the percentage of impervious for construction.

RIVERVIEW PARK PHASE IV PLAN SIGNING

P. Herr reviews the covenant with Mr. Richard C. Hill as the covenantor.

B. Lord explains that was done if something happened and Mr. Fafard would no longer be the owner, Mr. Hill would still be the owner. The viewpoint of the town should be they would rather have Mr. Hill sign and not Mr. Fafard. Mr. Hill is still the owner of the land. If the covenant is on record, there is no way they can build anyway. They felt the landowner was the better person to be the covenantor. This would be on record with the Registry of Deeds. The only way to avoid it would be to build without a bank loan.

P. Herr does not know if it is o'kay for someone other than the applicant to sign the covenant. He suggests that the Board endorse the plans, but hold on to them until Town Counsel reviews the Covenant and says it is o'kay. B. Lord can pick them up afterwards. The covenant has to be recorded.

Clerk advised Board that discussions relative to street acceptances for Debra Lane and Pickering Avenue have to be held. They are both on the warrant for the annual Town Meeting in May.

EM instructs Clerk to obtain a current letter from the Highway Dept. relative to Debra Lane. The Pickering Avenue street acceptance discussion can be scheduled for the next meeting as long as we have a letter from the Highway Dept. and As-built plan.

EN makes a motion to adjourn at 10:30 p.m.. JM seconds motion. Vote of 4.



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Glenn E. Gerrior

Glenn E. Gerrior, Chairman

Edward T. Moore

Edward T. Moore, Vice-Chairman

Emile W. Niedzwiedek

Emile W. Niedzwiedek

Anne M. Morse

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John P. Murray

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S. Halligan asks if there is any information which he can prepare to present to the Board to benefit their case. They want to keep the special permit in place since the bank has stayed with them through this.

EM suggests he contact the Water/Sewer Board to see if they will endorse or encourage the extension of the special permit. They could also contact the Conservation Commission to see if they agree that the proposal will disturb less vegetation. He questions item 7 in Mr. Blair's letter which indicates that they will have 1/2 as many school children with a condominium. There are a lot of school children in condominiums.

S. Halligan states that they came up with that number using statistics times the number of houses and the number of condominiums.

EM states that the school buses go through the condos which are now built in town.

S. Halligan will check with the local schools to verify the number of school children coming from the condominiums.

EM explains that the Board has no choice but to put this off because they have to have 4 members to act on a special permit.

BEECHWOOD ESTATES

AM returns to the discussion.

EM asks if anyone is here for Beechwood discussion regarding the performance bond.

No one responds.

EM asks if P. Herr has any direction for the Board regarding this matter.

P. Herr responds that he has none.

Clerk explains that she spoke with Sally Dmytryck, Trustee of Onallam Realty Trust, today. Mrs. Dmytryck stated that she would not be attending tonight's meeting to discuss the performance bond for Beechwood Estates. She further stated that she had referred the matter to her attorney.