



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

ANNE M. MORSE, CHAIRMAN
JOHN P. MURRAY, VICE CHAIRMAN
EMILE W. NIEDZWIADK
GLENN E. GERRIOR
EDWARD T. MOORE

MINUTES OF REGULAR MEETING

March 14, 1991

Meeting was called to order at 7:41 p.m. All members were present.

GENERAL BUSINESS

GG reads letter from Gerard L. Daigle, Highway Superintendent, dated March 12, 1991, indicating that they had inspected Robin Road and Rita Lane located in the Bellingham Industrial Park and all work is completed to the satisfaction of the Highway Dept. It is their recommendation that the bond in the amount of \$1,000 be released to the developer, *Thomas Clark*.

EM makes a motion to send a letter to Town Treasurer asking him to release the \$1,000 certified check (bond) which he is holding to the developer, *T. Clark*, based on the recommendation of the Highway Dept.

EN seconds motion. Vote of 3.

GG reads letter from Gerard L. Daigle, Highway Superintendent, dated December 18, 1990, stating that Wilfred Arcand has inspected the final paving of the roadway at the end of Pickering Avenue (Extended) and deems that all is in compliance with Town Regulations and therefore it is submitted to the Planning Board for street acceptance.

EM makes a motion to recommend street acceptance for Pickering Avenue.
EN seconds. Vote of 3.

Barbara Szentmiklosy is here to discuss property which she owns in Beechwood Estates. She bought a house at 1 Beechwood Road in October 1989. The builder said he could not sell the adjacent lots so he threw in 8 acres with the property. They are being taxed as a building lot, but they can not build. She talked with Cliff Matthews from the Conservation Commission. He said the land was high and dry. The Building Inspector felt that the lots could be building lots. She wants to know if she can combine lots 3 and 4. She is living in the house on lot 1.



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AM asks if the developer just gave them the lots.

B. Szentmiklosy states that when she and her husband went to look at the property Don Dmytryck drove up and said he could not build on the lots so he threw them in. She has 2 separate deeds.

EM states that she has 4 lots on an approved subdivision.

B. Szentmiklosy indicates that the builder told her there was an easement on the property. She called New England Power and they sent her a plan. She does not know if it shows her lots.

GG states that this plan depicts another utility easement up the street.

EM refers to a drainage easement. He explains that the road is unpaved. The Board will be advertising for a public hearing to rescind the subdivision because the developer has no bond in place for the road completion.

B. Szentmiklosy asks what happens to the people who have already built houses. She wants to know if the lot which she has is a building lot.

EM responds that the lots are building lots if she wants to put a road in.

AM asks if she saw the Building Inspector.

B. Szentmiklosy responds that yes, he told her to come here.

GG states that as far as the Tax Assessor is concerned, there is a road there. They should be notified that there is no road. The Board will be holding a public hearing to rescind the subdivision. Whatever is there is there. The rest will become one lot. Someone will have to post a bond to put the road in.

EM points out that it would not pay for her to do that now.

GG states that the road is not approved, but it is being taxes by the Assessor's as if it were completed.

B. Szentmiklosy states that the builder had financial problems and mental health problems.

AM states that is no reason for giving her 3 lots.



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GG asks if she wants to combine lots 3 and 4.

B. Szentmiklosy responds that is correct.

GG explains that if the Board rescinds the subdivision, then the lots would not be buildable. The Tax Assessor's office will be notified and she will probably be eligible for an abatement.

EM states that if it is not buildable because there is no street, it would require another public hearing to get everything going again after it is rescinded by the Board. There is a person who has a house near the pavement loop but their driveway is way down. *They* will have problems with this.

GG explains that the developer's letter of credit is no good because the bank went under. Other developers who had the same problem have resolved their situation. The Board told this developer they would give her one month to get herself in order. She responded by saying that she does not own any lots. It is the town's problem now.

B. Szentmiklosy asks if the road which is in front of her house will eventually be accepted.

GG states that the town will plow it as long as there is a tax payer living on the street.

AM states that Ms. Szentmiklosy must have bought lots 2, 3, and 4 first and then made a deal for 1.

B. Szentmiklosy states that the house was already on lot 1. She and her husband came to look at lot 1. Don Dmytryck was there when they were there with the realtor and he said he would include all of it.

GG suggests they wait and see what happens with the rescission. Mrs. Szentmiklosy will be notified of the public hearing. If the subdivision gets rescinded, she will be entitled to an abatement. Otherwise if a bond is posted, her lots will be buildable lots.

Carey Barnet, who attended the meeting with Mrs. Szentmiklosy, passes out pamphlets regarding the Metacomet Land Trust. She asks if any members would be interested in joining.

EM asks if that is a land bank.

C. Barnet responds they are preserving open space and are working with



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affordable housing.

EN asks if they are doing affordable housing in Franklin.

C. Barnet responds they have an OECD grant for the Franklin project they are working on.

PLANNING BOARD REORGANIZATION

Clerk opens the nominations for Chairman.

EM nominates AM as Chairman. EN seconds nomination.

Clerk asks if there are any other nominations. No one responds.

Unanimous vote of 4 for AM as Chairman.

GG states that Bill Bissonette did an outstanding job as Board of Selectmen ^{Chairman}. He made a comment that it is good to have a change every year.

Clerk turns to AM to open the nominations for Vice Chairman.

EM nominates JM. GG seconds nomination.

AM asks if there are any other nominations. Nominations are closed. Unanimous vote of 4 for JM as Vice Chairman.

AM opens nominations for Secretary.

GG nominates EN as secretary. EM seconds nomination.

AM asks if there are any other nominations. Nominations are closed. Unanimous vote of 4 for EN as Secretary.

GG makes a motion to reappoint Valerie DeAngelis as Clerk. EM seconds motion. Unanimous vote of 5 to reappoint VJD as Clerk.

MEADOW WOOD CONDOMINIUM

SPECIAL PERMIT EXTENSION REQUEST DISCUSSION

AM removes herself as Chairman because she is an abutter. JM takes over as Chairman.



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Sid Halligan explains that there are 3 partners in Meadow Wood Condominium. John Rabe is the person who the Board saw the most. Leo Blair is another partner as well as himself. He has not been active in Meadow Wood. John and Leo were not able to be here. He is standing in as one of the 3 partners. He sent along a submission which they had submitted in August 1985 to back up the justification which he had that there are fewer school children with condominiums.

JM was hoping to get information pertaining to the number of children from condominiums which are presently in town.

EM thought the Board was going to get something up to date. He asks if they have anything from the Water/Sewer Dept.

S. Halligan went to the Water/Sewer meeting on Tuesday. They said they were taking the matter under advisement.

EM asks if they knew he would be coming here tonight and that a response was needed by tonight.

S. Halligan indicates that they did know.

EM asks if Mr. Halligan questioned how close or how soon the pipe will be there.

JM states that the only thing which really changed is the economy.

EM would hate to see the project get started and not get finished.

GG states that the Board has heard complaints regarding Crestview Commons and has *listened* to complaints regarding the condominiums at Bellwood, Crystal Springs and Maplebrook. Meadow Wood presented a beautiful plan 7 years ago when it was presented. There may end up being a remodification which may turn out to be a nightmare for the town. By the time the ground is broken, there may be a modification which will be a whole different project.

EM states this was probably the best presentation the Board ever saw, but it never happened. He is wondering why. Now there is half a shopping center next door.

GG refers to the through road from 126 to Center Street with a breakthrough barrier. Design Science had a series of cul-de-sacs so even if there were 100 units in there, no one would know. He is concerned it will never be built like the plan which was presented and approved by the Board. The Board is voting to extend what was presented but they do not know what will happen.



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EM states the plan was already changed. It was originally approved with a sewage treatment plant. Now there is sewer.

JM does not think this will have any real impact in the next 2 years. The Board could force their hand to look at other avenues such as industry and business. He is concerned about the unknown. Now they know what will be built there.

GG points out that if the special permit is extended, they could come in tomorrow and go affordable.

EM thinks it would be best to go the single family route.

JM felt that this proposal was superior 6 years ago.

EM states that this was presented before Bellwood. The economy was great then.

JM states that these people are really waiting for the sewerage.

S. Halligan explains that in 1989 the Sewer Commission recommended that the sewage treatment plant not go in. The sewerage program in funding had a problem and they got delayed. They could not build and the market went away.

EM states that they could have built between 1985 and 1989.

S. Halligan states that was not them. It was not Meadow Wood. The project was owned by someone else. He feels there is a point well taken. It should have been built in the past but it was not. The special permit gives the town protection as to what it can be used for. The bank has stayed with them.

JM would rather deal with the known rather than the unknown.

EN questions how long the extension is good for.

S. Halligan responds it is for one year.

EM questions the zoning there.

GG responds it is suburban.

S. Halligan reiterates that their bank has stayed with them.



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EN asks what the problem was with the sewer treatment plan. He asks the name of the bank.

S. Halligan responds there was a perc problem and a water table problem. Everybody said they should wait for the sewer. The sewer got delayed and the economy went bad. It is Bank Hapolin, a Jewish bank in Boston which is headquartered in New York.

EM points out that Maplebrook has pulled out. He does not know for sure but thinks that the FDIC now owns it.

EN asks if sewerage will be available within the next year.

JM states they are going to run the pipe from Bellingham all the way to Manville Road in Woonsocket. Anyone who thinks that sewerage will be here in the next year or two is dreaming.

GG asks what they may come back with when the economy comes back.

S. Halligan states they will probably build small clusters.

JM points out they will have to come in with a site plan.

S. Halligan indicates that they will be self contained units.

EN states that a public hearing may be needed if it is a drastic change.

JM thinks they are looking at a couple of years before anything happens.

EM does not see this happening. It is the same thing as Crestview Commons across the street.

JM does not think that the people can be compared.

GG states that the town did not have a Town Engineer then. The situation will get reviewed. He makes a motion to extend the special permit for one year.

EN seconds motion. Vote of 4 to extend.

EM asks if the sewer line will be at Meadow Wood's expense.

S. Halligan responds in the affirmative.

JM states that a motion has been made to extend the special permit with



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the same restrictions as previously imposed.

Clerk is instructed to prepare letter of extension to March 19, 1992.

NEW ENGLAND COUNTRY CLUB

PRELIMINARY SUBDIVISION RE: PAINE STREET EGRESS

AM returns as Chairman.

GG removes himself from the discussion because of a conflict of interest.

Gary Martinelli, counsel for New England Country Club, presents a check in the amount of \$375 which is the preliminary fee.

JM asks why they have 15 lots.

AM states that P. Herr determined that the road change only effected 15 lots.

G. Martinelli states they are back to request endorsement for their preliminary submission. Mr. Sousa met with the various town boards. Mr. Megalli, who is here, has approved the plans.

AM reads letter from the Town Engineer, dated March 14, 1991 stating that he received drawings no. 31, 34, 38, 39 and 40. He states that this is only a revision to previously approved plans. He reviewed the drainage and the island at the intersection. The original scheme was completely reviewed by Amory Engineering. It is the opinion of this office that the revision made does not alter the original scheme. The revisions involve the substitution of detention basin "K" by two detention basins "K 1" and "K 2" due to the new road connection to Paine Street. The capacity of the two new basins are slightly larger than the original one. The other topic of the island at the intersection of Paine Street and Wrentham Road are under review. He recommends that approval of the project not be withheld for this issue. He recommends approval of the preliminary plan submission.

AM reads letter from Richard B. Boucher, Police Chief, dated March 11, 1991, stating that the Police Department's recommendation with regards to the New England Country Club remains the same as noted on the attached letter from Safety Office Haughey dated June 27, 1991. There have been no changes in the plans that would alter this recommendation. Sgt. James L. Haughey, Safety Officer's letter stated that he surveyed the sight distance for the proposed entrance to the New England Country Club at the lower end of Paine Street. The sight distance in both



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direction is well over the required 400 foot distance. Therefore, he feels that the entrance is acceptable.

AM reads interdepartmental communication from Edward Wirtanen, Health Agent, dated March 12, 1991, regarding the complaint relative to the lots at Wrentham Road. He states that the board of Health was assured by Mr. Jeffery Sousa, Manager, that this material would be removed. At the Board's March 4, 1991 meeting, Mr. Sousa stated, "...before any construction is done, this would be fixed first." He further states that the foundations and debris were buried in December of 1988 as a temporary means to insure safety to the public until it was to be removed in the Spring of 1989. It is his understanding that this temporary measure was approved by the town's building department in 1988. He also points out that Drawing number 38, dated May 15, 1989 of the Revised Preliminary Subdivision Plan Revisions and New Roadway Entrance at Paine Street, contains a note on removing and disposing of the existing foundation and retaining wall.

AM reads letter from Edward Wirtanen, Health Agent, to Jeffery Sousa, Project Manager, New England Country Club, dated March 12, 1991. The letter states that the Board of Health will continue their action on the preliminary subdivision plan revisions until the meeting of March 18, 1991. The Board has no problem with the concept of the plans, however, they wanted to review the Sewer System Connection Permit for the site. He confirmed with the Mass. Dept. of Environmental Protection that the form submitted was the sewer system connection permit.

EM went to look at the site which Mr. Pearcy had shown the Board pictures of on Wrentham Road. The pictures made it look dangerous. However, it does not look anywhere near as bad as the pictures. There is a concrete wall. He is not saying that it is not dangerous, but it did not look as dangerous as shown in the pictures. The problem should be addressed.

AM reads letter from Clifford Matthews, Conservation Commission, dated March 12, 1991, wherein he indicated that the plans were reviewed at their meeting of February 27, 1991. It was indicated at that meeting that the applicant will have to file an Amendment Request for the Order of conditions to review impacts and mitigation strategies. He feels that the Commission will have no difficulty in dealing with New England Country Club to assure protection of the resource areas. He also notes that impacts shown in the realignment scheme represent a great reduction in impacts compared to the original plan due to the elimination of a roadway crossing Bungay Brook and another regulated resource area. The Commission wholeheartedly endorses this application.



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AM states that the Conservation Commission feels this is better than the original plan because it is less impact to the wetlands.

Clerk explains that P. Herr, the Board's Consultant, called her with 3 comments pertaining to this plan. He stated that there were no easements for the detention basins. This was an omission on the drawing which will be shown at the next stage. The second comment was that there were no catch basins at the intersection of the new access road at Paine Street. This needs to be explained. The last comment was that the drawings are hard to read at this point. There may be some filling in onto the property of others at the north. There may be earth moving that effects other people's property. He also noted that they had agreed upon a fee of 15 lots at \$25.00 per lot.

J. Sousa points out that all new drawings will be developed at the definitive stage. The filling onto someone else's property is an error. It will not be necessary and will be eliminated. They will add 2 catch basins at Paine Street. The first will be at 200'.

EM states that the bylaw requires that they have catch basins at the intersections.

J. Sousa explains that the problem developed because they overlayed the existing drawing with the new concept.

EM makes a motion to approve the preliminary plan as presented. JM seconds motion. Vote of 4.

J. Sousa asks for time on the agenda to hold the public hearing for the definitive. He suggests the first meeting in April 1991.

AM states that the Board can hold the public hearing at the second meeting on April 25, 1991 at 8:00 p.m. That will give them enough time to get the plans to P. Herr.

J. Sousa does not have the Definitive Subdivision submission tonight, but he will send it along with the abutter's list and the fee, registered mail, to the Planning Board in care of the Town Clerk.

Clerk is to prepare mailing for abutters and decision for the preliminary submission.

EN has reviewed minutes of meetings for October 11, 1990, October 25, 1990, January 10, 1991, January 24, 1991, March 24, 1988 and February



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14, 1991. He has a comment relative to the October 25, 1990 minutes, pg. 7 where it said that C. McCoy called the Building Inspector. It should have said J. Fregeolve. Clerk is instructed to amend the minutes.

EN makes a motion to accept all of the above-mentioned minutes. EM seconds motion. Vote of 4. Members sign minutes.

AM reads letter from Gerard Daigle, Highway Superintendent, dated March 12, 1991, wherein he states that the department has inspected the roadway known as Debra Lane in the town of Bellingham and said road meets and satisfies all Planning Board prerequisites in compliance for street acceptance by the Board and by the annual Town Meeting scheduled for May 1991. The Highway Dept. has no objection to having the town acceptance of Debra Lane as a town way.

Clerk explains that this is an old definitive subdivision known as Steeves Village and there is no as-built in the file.

EM states that before the Board can recommend street acceptance for Debra Lane, they must see an as-built. Clerk is instructed to call applicant and advise him to obtain an as-built. He can come in to the next meeting under general business if he has the as-built completed by then.

AM reads letter from Town Counsel, dated March 4, 1991, relative to Shores at Silver Lake. He confirms that the court proceedings relative to the special permit has been dismissed for lack of prosecution against the Plaintiff. It was dismissed on December 28, 1989 and should not be considered as an ongoing Special Permit under Appeal at this time. AM requests that Clerk send her a copy of Town Counsel's letter relative to the Auto Distribution Center.

EN makes a motion to adjourn at 9:10 p.m. JM seconds motion. vote of 4.



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Anne M. Morse, Chairman

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