



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 28, 1991

Meeting was called to order at 7:40 p.m. All members were present. Board's consultant, Philip B. Herr was also present.

EM notes for the minutes that Clerk received a check and Form C, Application for Definitive Subdivision Plan from a representative for New England Country Club prior to the meeting.

LAKEVIEW FARMS

DISCUSSION RE: ADDITIONAL PARKING TO SITE PLAN

Anthony Ozella, 1040 S. Main St., P.O. Box 113, Bellingham, MA, is here to request additional parking. He presents the site plan which was signed and approved by the Board. The parking looked alright at the time. Everything looks fine on the ice cream side of the building. He is concerned about the flow of traffic on the farm stand side of the building. He proposes putting a parking area on the side of the building. He wants to scrap up the loam and gravel it.

EM questions the number of parking spaces which will be gained.

A. Ozella responds they will gain about 20.

GG believes that he does not need 80'; 60' would do it.

A. Ozella indicates that he wanted to have enough room.

GG asks if he would be directing traffic in and out. The plan is not showing the entrance.

A. Ozella responds that he has an entrance and an exit which is 24' wide.

P. Herr points out that he would be making a change within 100' of the wetland. If he does that, he will have to talk with the Conservation Commission.



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Steve Racicot, member of the Conservation Commission indicates that the change would necessitate refiling of the Order of Conditions. Without refiling, he will have to stay 100' away.

GG states that there could be alternative parking in the back.

EM questions how much room there is on the grassy hill.

P. Herr responds there is about 10'.

S. Racicot suggests that Mr. Ozella could turn the greenhouse.

A. Ozella is thinking about doing that.

S. Racicot points out that he will pick up more room that way.

A. Ozella will get together with the Conservation Commission to see if they can work this out.

GG asks if Mr. Ozella thinks he has adequate parking to get started.

A. Ozella thinks the parking is adequate but needs more for convenience.

GG questions the number of employees.

A. Ozella states they will come from the farm. He eventually wants to put a garden center in the back with a nursery selling shrubbery which is raised on the farm. There is a big area in the back for the garden center.

EN asks if it is wet in the back.

EM states that ^{if} Mr. Ozella turns the greenhouse and cuts back into the hill, it may be enough of a change to require another Development Plan Review.

A. Ozella is not putting the greenhouse in this year.

P. Herr asks why people just can't park there.

A. Ozella responds that they will because it is all field.

S. Racicot points out that if Mr. Ozella extends the shrubs he could keep people from parking there.



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A. Ozella does not think it is good for the parking flow. The parking is fine for the ice cream stand.

GG suggests they use one way parking.

EM does not think it would work out that way.

P. Herr states that this is the first stage in a multistage development. Mr. Ozella should experience one summer with it before doing all this.

A. Ozella already scraped the loam and wanted to put the gravel in.

EN believes there is a wet area in the back of the building.

A. Ozella responds that is way back 170' - 250'.

EN states that the water rises.

S. Racicot asks when the Conservation Commission was out there.

A. Ozella responds that was last summer. He fixed the dam.

P. Herr believes it ought to go through the Conservation Commission.

AM asks if there is a problem with putting the stone down.

S. Racicot responds that if they put gravel down, it will invite more parking; then someone will say something.

A. Ozella asks if he would have to come back to the Planning Board after going to the Conservation Commission or if it will be o'kay if he gets approval from the Conservation Commission,.

S. Racicot states that he will have to ask for an amendment to the Order of Conditions.

GG indicates that if they turn the greenhouse, they would gain 20' which would be more acceptable because it would be about 40' away. He should loop the parking so the person who would be pulling out would have to stop.

A. Ozella will just let the parking be overflow now. He will leave the grass for this summer. When he puts the greenhouse in in the fall, he may decide to turn it around.



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EM states that the Planning Board and the Building Inspector should receive a copy of the plan as-built.

A. Ozella will not cut out and define the parking lot until he goes to the Conservation Commission.

EM points out that if he stays away from the wetlands, he will not have to go to the Conservation Commission.

GENERAL

AM explains that someone called her regarding some cherry trees which are 3" in diameter. They are interfering with the telephone utilities and are diseased looking. She asks if that would require a public hearing. Mike Burr is the Tree Warden.

P. Herr states that has nothing to do with this Board. They would only be involved as a result of the road action. It is up to the Tree Warden.

RIVERVIEW PARK, PHASES 2 AND 3 DEFINITIVE SUBDIVISIONS CONTINUED

B. Lord indicates they would like an extension for Phase 3. If GE ends up at Phase 3, the road would have to be made straight. They will have a final answer within 1 - 2 months. The area between High Street and 495 is Phase 3. The plan with the auto auction facility is in the process of being solidified. It will change the configuration of the road away from what was proposed.

Janice Hannert, Fafard, states it would change the location of the subdivision road.

B. Lord explains that if they go with the auto auction facility, the configuration will flatten the road. Instead of looping, it will go straight.

J. Hannert states there will be 2 changes to the road: flattening of the curve and directing traffic off Maple Street.

EN makes a motion to continued Riverview Park, Phase 3 to June 27, 1991 at 8:00 p.m. EM seconds motion. Vote of 5.

B. Lord will send an extension to the Board.



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P. Herr indicates that the Board still has to vote on it.

EN makes a motion to grant an extension for Riverview Park, Phase 3 to July 15, 1991. EM seconds motion. Vote of 5.

P. Herr points out there are 2 issues. One is the way the road connects to Maple Street on the north. Like Phase 4, they will do it regardless of the other phases. The second issue is the portion in the middle part. They will flatten it out if they need a bigger parcel on the west side. That is a separate issue.

B. Lord states that in order to do the road the way it would work best, some engineering would have to be done. They want to wait for the answers so they can configure it correctly.

Norman Bell, abutter, 310 Maple Street, asks for the numbers on that like how far down it will intersect with High Street from Maple Street.

B. Lord responds that they do.

J. Hannert responds that it would be about .

B. Lord states that Phase 2 area north of 495 Maple Street has a proposed single access roadway with a cul-de-sac. It will eventually go to Phase 1. They do not control the land in between. They can put in a double entrance. It meets the requirements of zoning for the lot. A single road with a cul-de-sac is the best situation. The blue on the plan depicts the original proposal. The red shows the configuration if they had to put in a double entrance. This phase sits alone.

EM questions the number of acres.

J. Hannert responds there are 50.

P. Herr asks what land they are talking about. This plan shows land which is not on the other plan.

J. Hannert states that the green line is an error. It is not on the plan or in their ownership.

EM asks if they have potential tenants or uses.

B. Lord responds they do not. It is the same type of set up as Phase 4. They will have improvements on the road to connect with 495 at Phase 3. Maple Street will be improved from the area of the power lines down.



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J. Hannert states that with the cul-de-sac, the Board might be interested in having traffic go in a southerly fashion. They could have a dogleg which would direct traffic off the residential area into the industrial subdivision.

EM states they want to see all the traffic go to Rt. 140. He does not want to vote until he sees the road improvements to the other part.

J. Hannert indicates they are looking at traffic improvements in between the industrial road for Phase 2 all the way down to Phase 3.

EM states they have to get Phase 3 to the next 1 without bothering people.

B. Lord states they are concerned with Phase 2 first to make sure all of the road is done. Developments for Phase 2 will be added to Phase 4 and Phase 3.

EM points out that the Board wants to see a new Maple Street.

P. Herr believes that EM is saying this can not be the first development.

B. Lord believes that Phase 2 stands alone. They only have to determine the configuration of the road. They would prefer to have a cul-de-sac with a turn.

EM does not think it stands alone because of traffic flow and safety.

P. Herr states that it does stand alone from Phases 1 and 3.

J. Hannert states that the little triangle is not included.

B. Lord explains that it is part of the New England Power Company easement.

J. Hannert indicates that if they find they can not put the dog leg in, they will come before the Board for direction. If they find they can not engineer it, they will move south of the easement.

B. Lord states they would like the Board's opinion regarding the 2 entrances. The phase stands alone. The entrance will not continue through. There will be a cul-de-sac.

EN asks if that situation will give the developer more lots.



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B. Lord responds they will have the same number as presented before. The question is 2 entrances or 1.

EM does not see that there is a difference as long as they are both aimed south toward Rt. 140.

P. Herr believes that Park 140, where Williams Way is is analogous to this. The requirements of zoning are for 2 entrances. He suggests that 1 entrance is better for this.

EN asks how wide the road is.

J. Hannert responds that it is shown as a 60' collector road.

P. Herr states they could build a single entrance and leave the problem of the wetlands to the property owners. He asks if they are abandoning bypassing Maple Street to the north with the scheme to connect Phase 2 to 1 via 1 across the Charles River.

B. Lord is not saying that is a dead issue entirely - just now.

P. Herr does not think that 2 entrances is the real issue.

JM asks if they really need 2 entrances by law in a residential. There is more traffic generated by industrial ^{than} by residential.

AM points out that the Fire Chief is a big proponent of 2 entrances.

P. Herr states that is a big issue. It is important for the configuration of the road to hold open the possibility of a subdivision or going over the Charles River.

GG states they could retain a roadway easement.

P. Herr states that Phase 1 is not before the Board at the moment. The red configuration shown would not allow an extension to the bridge across the Charles. It is important that the contingency be held open. It is not likely that it will happen but they can not say it can't happen. He is telling them not to foreclose the possibility that someone in between may bridge the gap and work something out with the Army Core of Engineers.

B. Lord indicates that it is not a viable proposal for them to cross the Charles right now. They do not disagree with leaving the cul-de-sac situation so it may be extended. It is not realistic right



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now.

P. Herr states there is a second issue. He refers to the blue alignment shown on the plan. He asks if there is any reason to proceed south rather than north of the New England Power Company easement. Encouraging people to travel south makes more sense.

J. Hannert responds that they do not own the land. If they go south, they can avoid the easement altogether.

P. Herr states that the Conservation Commission would not want them to go over the wetlands to the north. A viable alternative is to go south. Sending the traffic south is superior.

JM thinks it would depend on what tenants they get.

B. Lord states they can move south of the electric easement.

EN states that would be between the wetlands.

EM thinks they should have a single road with a cul-de-sac to the south.

P. Herr states they will need an alternative to Maple Street so the road will be constructed before Phase 3 and 4, both on site and off site.

B. Lord states that the prerequisite for approving Phase 2, 3 and 4 can be the road improvements.

P. Herr indicates that they are not symmetrical. Phase 4 does not need Phase 3. Phase 2 needs Phase 4.

JM asks why it needs Phase 4.

B. Lord responds that it involves the development of Maple Street itself. If they develop Phase 2 without Phase 4, they will have to come back and discuss what they are doing with Maple Street.

P. Herr questions the drainage scheme.

J. Hannert believes it is too early to discuss since they are changing the road. It has to be looked at in light of the revised road system. They will go back and do an analysis.

Steve Racicot, abutter, points out that the state said it was o'kay for



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them to file separately at the local level, but they have to file the EIR cumulatively to see the total impact. The state may say no, so it may wind up coming back here.

B. Lord requests a continuance for Phase 2 to July 25, 1991.

EN makes a motion to continue Riverview Park, Phase 2 to July 25, 1991 at 8:00 p.m. EM seconds motion. Vote of 5.

P. Herr refers to the pedestrian amenities and debuffering Maple Street. He assumes that the same spirit of cooperation will carry over to the other phases so they do not have to go through the same thing over and over again.

B. Lord states that they assume that the Board will have the same requirements as they did for the first phase approved.

EN makes a motion to approve a continuance for Phase 2 to August 15, 1991. EM seconds motion. Vote of 5.

EM makes a motion for a 5 minute recess. GG seconds motion. Vote of 5.

WATER RESOURCE DISTRICT ZONING ARTICLE PUBLIC HEARING

AM opens hearing.

Clerk reads Notice of Public Hearing.

P. Herr explains that the proposal makes changes to the Water Resource District requirements to make it comply with the state DEP regulations which were adopted for area around municipal wells. Any time they are putting in a new well or increasing or withdrawing more than 300 gallons, the towns will have control. This does not deal with issues regarding existing disposal systems. The zoning does not require it, but the town does. It belongs in the Board of Health's regulations. It includes changes in the numbers established on whether the amount of nitrogen put in the ground water is or is not acceptable in which case it would require a special permit. There are no relaxations of current requirements, but there are further restrictions.

EM asks if they still have 2 districts.

P. Herr responds that they do.



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EM asks if this takes away the special permit process.

P. Herr responds that it does not. He refers to Section 4932, pg. 3 of the proposed zoning bylaw.

EM states there are still some things which are allowed by special permit. He asks if any part of a lot lies within a Water Resource District, would it not be allowed under a special permit?

P. Herr responds that no, that is not the case.

EM thought he read that if any lot touches a Water Resource District, then it is not allowed. Would Somerville Lumber still be allowed?

P. Herr responds that yes, the intention was that it would be allowed.

EM refers to Section 4931, Prohibitions. It sounds like Somerville Lumber could not go in tomorrow.

P. Herr does not think the sentence says what EM thinks it says.

GG does not find a problem with it.

EN does not either, but can see how some people might. He thinks the word "conditions" should be there.

P. Herr states they could replace the lot or portion of the lot with the word "land."

EN believes that would make it worse.

EM understands what it means now. If a lot or portion of a lot is in a Water Resource District, they can not store hazardous material on that portion of the lot. He asks if anything which is in here and is not allowed, is allowed by the old bylaw. He refers to where it says no servicing or washing of cars. Does that mean that Maplebrook residents can not wash their cars?

P. Herr explains that it means that can not be done as the principle use of the premises.

EM states that we know that motor vehicle service or repair is not allowed as a business in a Water Resource District.

GG states that it does not mean that someone would have to call in order to change the oil in their driveway.



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EM wants to know if it says they can't wash their car. It does mean that a recycling carwash would not be allowed.

P. Herr states that is correct. They carried over the current bylaw. The most substantial change is the greater percentage of impervious coverage. They can not remove ground cover vegetation for more than 70% of the lot area. Impervious surface for more than 30% would require a special permit. The state requires that more than 15% go through a special approval.

S. Racicot asks if the state law is more strict.

P. Herr responds that it is less strict. It fails to have the 30%. It says more than 15% has to be recharged off site.

EM asks if this includes the new DEP Regulations which were adopted by the state.

P. Herr responds that it does.

EM states that it is tighter in some spots.

P. Herr responds in the affirmative. They took what they had before. In places where the state was not as strict as the town's, they left it alone. Otherwise, if the state's was more strict, the regulations were made more strict. He refers to Section 4950(a) which makes calculations for treatment plants for on-site disposal (septic systems) more stringent. Sections 4930(c) is also more strict. Section 4984 was changed to build in the state's 15% rule.

EM asks how they can avoid reading the whole proposed article at the Town Meeting.

P. Herr responds that it can be done by asking to waive reading.

S. Racicot went back to the Conservation Commission with the answers which he received during the last discussion. They have a question regarding pg. 2, item B(5) earth removal. What is used to determine earth removal within 4' of historical ground water?

P. Herr responds that the state developed guidelines for that. He suggests they do it the way the state suggested.

S. Racicot asks how far it will be before one gets to ground water when digging.



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P. Herr states that does not need to be known in order to determine whether or not this is a good bylaw.

S. Racicot states they are not criticizing the bylaw, but they would like to receive a copy of the state regulations. The Conservation Commission also questioned pg. 3, item f. "...removal of existing groundcover vegetation from more than 70% of lot area" seems like a lot to them. It seems like an excessive amount of vegetation to cut out of District 1. He asks if at least District 1 can be reduced. Reducing both areas would be better.

P. Herr states that they still have to retain 30%. They can not remove more than 70%. This is no change than what we have now. The Conservation Commission is saying that at sometime they would like to see that changed. The Board is now trying to conform to what the state requires and retain what the town has. This suggestion goes beyond that.

EM asks if now is the time to do an amendment.

P. Herr responds that it can not be done without a hearing.

EM states that it could be amended at the Town Meeting floor.

P. Herr explains they would then risk having it turned down by the Attorney General because the notice of public hearing did not properly identify what was being done. They did not notify people about the groundcover vegetation rule. That did not change.

EM states they can change it later on the recommendation of the Conservation Commission.

P. Herr indicates that it is not a light weight rule. To drop it to 60% is a substantial difference. It is a tough issue.

P. Herr states it would have to have its own hearing. It may be changed now, but they already told people they were not going to change that piece of the bylaw. If it were a minor issue, the Attorney General would not turn it down. The 70% is a fundamental rule. It is a major issue.

EM makes a motion to close the hearing. GG seconds motion. Vote of 5.

EM makes a motion to recommend the article for the Water Resource District Zoning Bylaw to the Town Meeting floor. GG seconds. Vote of



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5.

EVERGREEN CONSTRUCTION
SITE PLAN REVISION
REMOVAL OF WALL

Vin DeMeo is here on behalf of Thomas Clark. He is here to request a simple change to remove the retaining wall.

EM asks if he works for Land Planning.

V. DeMeo responds^{AM} they would like to removal the retaining wall.

AM believes the purpose of the wall was for the drainage.

Thomas Clark, Jr., explains that the wall was proposed on a gas line easement. They contacted the gas company who will not allow them to build on the easement.

EM states that the building is lower than the parking lot. The wall would keep cars from jumping.

P. Herr recalls that the wall was put in at the recommendation of the Town Engineer.

GG states that the drainage goes towards the building.

P. Herr asks if they have a drawing which shows what they propose.

T. Clark, Jr. brought the approved site plan.

P. Herr explains that the Board needs a plan which shows what is proposed and the grading.

T. Clark, Jr. states that this is an as-built plan.

P. Herr points out that the grade is not the same. The grade is between the edge of the parking lot and the building.

T. Clark indicates it is a straight slope.

P. Herr states that is not what the drawing shows. He recommends that the Planning Board not grant permission to change the wall without an alternative plan.

EM asks if the wall is there.



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T. Clark, Jr. responds that it is not.

EM points out that the plan can not be an as-built then because they wall is not there.

T. Clark, Jr. states that everything else is correct.

GG indicates that the wall will have to go off the easement because the gas company will not let them put it there. There is no purpose of building the wall off the easement. He can understand why they want the wall eliminated but they need an actual plan showing that.

AM explains the Board needs an as-built showing what is there.

P. Herr states that someone, the Town Engineer, should go up to see what is there and determine what is needed.

GG agrees with the wall problem. They need a revised plan so the Town Engineer can review on-site. The Town Engineer can advise the Board.

P. Herr states that is not a big job. They do not need to have the whole plan redrawn, just the wall area.

T. Clark, Jr. does not think they are changing any grades.

P. Herr states that the plan does show grades. They need a little bit more to show how the grades relate to the grades in the parking lot. This does not seem consistent. It indicates they still have a 495 contour, but it still says 494. They need a piece which is consistent to see how the contours connect.

AM points out that John Emidy did not see a problem with this but felt they should come here because it is a site plan revision.

P. Herr states there is no reason why they can not act on this at the next meeting.

EM indicates that they can as long as they hear from Town Engineer and get the plan.

GG suggests the letter to Town Engineer indicate that the wall can not be built due to Algonquin Gas. The wall shown on the plan has no function. The Board requests that he review the revised plans and review the situation on-site, if necessary. The Board requests his opinion if the wall should be eliminated.



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AM indicates that the whole attachment presented by T. Clark, Jr. should be sent including letter from Land Planning, dated March 27, 1991, letter from Algonquin Gas Company, dated March 22, 1991 as well as the Retaining Wall Elimination Plan, prepared by Norman Hill.

GG asks if they will have to revise the site plan.

P. Herr responds that the change will be an attachment to the approved site plan.

AM schedules an appointment for them to return to the Board on April 11, 1991 at 8:00 p.m.

GENERAL DISCUSSION

EM would like to discuss rezoning the lower end of Maple Street. He states there are a few sections down in there which they can not get to. They know that Maple Street will be changed and redesigned. How will they do that below where the houses are so close? He is referring to the Maple Street/Hartford Avenue intersection.

B. Lord believes that something will inevitably happen because of the traffic on 126.

P. Herr has not really looked at the issue. Using streets as district boundaries is tricky. It is almost always a bad idea. The best place to divide districts is between streets. There is also a complicated question involving Franklin. Franklin land in that area is all zoned industrial.

EM states that Franklin will get the industrial tax base. Bellingham will provide the water access but will not get the tax money.

P. Herr points out that almost all of the land in question is owned by Mr. French.

EM asks if it is all accessed in Bellingham.

P. Herr responds in the affirmative. He asks how they would rezone it.

EM refers to the block where 495 Associates is. They can rezone the strip and leave the Franklin side.

P. Herr states they can not stop an industrial development from egressing through a residential district.



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EM thinks this may discourage it. It may also do away with 81-Ps and metal buildings.

P. Herr responds that it would do that. It would make sense to rezone if they go from the bottom of Glockner where Chickenville Realty Trust is. Everything below wants to be industrial. It is a fairly defined line.

EM asks about the other side of the street.

B. Lord believes it has to be looked at on a parcel by parcel basis.

EM thinks they can rezone the right side of Maple Street all the way to the power line.

B. Lord suggests they ask the individual landowners to get their input. Joe Blaise and Glockner own land in the back. If they rezone the front, it will effect them. They should wait to see what Fafard does with Phase 1.

S. Racicot points out that some of the lots are 600' deep and some are shallower. They could draw a line down to the last of Glockner's. He would not go between the power lines to the last Glockner house.

EM is not looking to land lock or block anyone.

B. Lord points out that some of the lots go 1,000 in depth with 80' of frontage.

EN states that some people want it that way so they can sell the land in the back.

EM wants to discourage development on that end of the street since there will be no improvements.

B. Lord states that that end of Maple Street is wide enough but it is badly paved.

EM states that if Antron gets bigger, they should move out. The mill could be converted to housing.

B. Lord states that everytime a small business changes there, they have to go get a variance.

S. Racicot indicates that the land is worth more if it is zoned



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residential.

EM asks that P. Herr look at the issue.

EN makes a motion to accept the minutes of February 28, 1991 and March 14, 1991 with a note to insert that the \$1,000 certified check for the Bellingham Industrial Park be sent back to the developer, Thomas Clark. *by the TOWN Treas.* The change should be made in the first 2 paragraphs of the 3/14/91 minutes. EM seconds motion. Vote of 5.

AM reads the Meadow Wood Special Permit extension. Members sign extension. AM reads and endorses New England Country Club Preliminary Decision.

Meeting adjourned at 10:30 p.m.

Anne M. Morse, Chairman

John P. Murray, Vice-Chairman

Emile W. Niedzwiedek

Glenn E. Gerrior

Edward T. Moore