



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

April 11, 1991

Meeting was called to order at 7:45 p.m. All members were present.

GENERAL

Maurice and Cheryl St. Germaine of 5 Fairway Drive, are here to request that the Board sign a certificate of release for their lot in Country Club Estates I. They also present a copy of the covenant. They are refinancing their home for the second time. The bank found out that the lots were never released. Their lawyer said that the Board could release the other 15 lots as well since they were never released.

EM has no trouble with releasing 1 lot, but he does not want to release 15.

GG makes a motion to release lot 2, 5 Fairway Drive. EM seconds motion. Vote of 3.

B. Lord notarizes Board members signatures on the certificate of release.

B. Lord presents a request for opinion for Street Article V, Zoning Bylaw. He explains that in 1932 Mr. Crooks drew up a plan for Camp Mayflower Annex, lakeview Avenue. He represents a gentleman who owns the property. A right of way 18' wide is owned by this person. There are 4 lots which are combined into 1 lot. The right of way is the only access to the back of the property. The total parcel is over one acre. Lakeview is an accepted town street. The lot goes across Lakeview into the lake. This person wants to make it into 2 lots. He wants to get to the back of the lot with a right of way.

EN asks if the piece of land was bought from Crooks' daughter.

B. Lord responds that it was not.

EN asks if the lake is across the street.



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B. Lord responds that it is. The parcel on the lake is too small to be buildable under the zoning. There is one house on the front lot but nothing in the back. It is up to the Board to determine whether or not the right of way is defined as a street. The question is whether or not it was created before the Subdivision Control Law. This is right beside the lake.

EM questions what is beyond the lake.

B. Lord responds it is empty land. This right of way gives permission for one lot.

EN indicates that technically it is land locked.

B. Lord responds that is correct.

EN notes that the neighbors will be down here en masse.

B. Lord points out that the neighbors are aware of this.

EM refers to Scott Hill Blvd. when a brother and sister came before the Board with 10 lots. The brother wanted to combine 6 and the sister wanted to combine 4 lots. The Board told her that she could not build unless she put in a street. How can the Board go along with this proposal when they turned her down?

AM thinks this should be run by P. Herr for the next meeting.

B. Lord explains that the criteria in this situation is that the road was in existence prior to zoning.

EM states that zoning was in 1961.

AM does not know if this is a road and that is what they are asking.

EM suggests they check with L. Ambler or P. Herr. If they say it is o'kay, they should call the brother and sister on Arthur Street. Cranberry Meadows was done in 1940's. It is a paper street. He does not understand why she would have to put in a road if this person can use a right of way as a driveway. EM questions why they don't apply for a backlot.

B. Lord responds there is not enough frontage.

AM notes that it is agriculturally zoned and doesn't have enough in the



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back.

EM notes that the plan was not filed until 1972. There is no proof that it existed before 1972.

AM instructs Clerk to forward a copy of the request for opinion to P. Herr asking for his opinion at the next meeting.

EVERGREEN CONSTRUCTION SITE PLAN REVISION

Applicant was scheduled to appear before the Board at 8:00 p.m. but did not appear.

Clerk reads letter from Makram Megalli, dated April 9, 1991 stating that the information supplied by the developer is insufficient for review of the site plan revision. The retaining wall was an integral part of the site drainage. The developer should authorize his engineer to detail how the drainage system will be functioning. Since this revision is after the fact, the plans should show the date on an as-built basis.

GG makes a motion that the wall should stand as shown. As of this time, 8:11 p.m. on April 11, 1991, the developer still needs a wall.

EM seconds motion.

GG realizes that Algonquin will not allow the developer to build a wall on their easement, but the change was not accomplished. Vote of 4.

GENERAL

EM states that the note to P. Herr regarding the request for opinion should state that although the plan was prepared in 1932, it was not filed until after 1972 which is after zoning. A copy of the plan which was attached with the request should be sent with the note.

Clerk informs Board that L. Cibley is now the Planning Board liaison.

AM reads letter from the Zoning Board of Appeals dated April 10, 1991 regarding Phil's landscaping who is seeking a special permit for gravel removal at 771 Pulaski Blvd. Since this land is located in water resource area #2, the Board would like to know if Phil's Landscaping requires a development plan review. Any comments/recommendations would be appreciated by May 2, 1991, their next meeting on this matter.



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GG states that is near Arnold Brook, across from Center Street.

EM states they want to remove a big hill.

GG explains that is a tender area with the brook, reservoir and town wells. Removing the gravel would change the water flow.

B. Lord points out that they would require a development plan review for removal of more than 20,000 square feet of vegetation.

EM notes that trees hold back erosion. If the hill is gone, there will be no erosion.

GG explains that the hill disperses the water in all directions. If there is no hill, the water may go to one place. It will have a definite impact on the flow.

B. Lord states that the development plan review is not required because of the Water Resource District. It is for the removal of more than 20,000 square feet of vegetation. The gravel removal permit goes to the ZBA, but it does require Development Plan Review (DPR). The only reason for a DPR for Maplegate Country Club was for the removal of more than 20,000 square feet of vegetation.

GG states that it is a bad area to remove from. It is a 24 acre area.

AM suggests they also forward this to P. Herr for his opinion.

EM is interpreting this to mean that if the hill did not have grass and was pure gravel, they would not need to come before the Planning Board.

B. Lord guesses that is true.

AM instructs Clerk to send this information to P. Herr and point out that vegetation is there. Ask him if DPR is required because of the vegetation and not because it is in a Water Resource District.

EN read the minutes of the meeting of March 28, 1991. He makes a motion to accept the minutes. GG seconds. Vote of 5.

Clerk reads letter from D. Fraine, dated April 8, 1991 relative to the storage of public records noting that documents are to be maintained in town buildings at all times.

Clerk reads letter from J. Emidy to Onallam Realty Trust, dated March



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29, 1991 regarding the Farm Street industrial buildings. The letter states that the Judge's recommendation was that they decrease the opening width of the driveway to the approved opening of 50'-0", the entrance to the driveway shall be equipped with a fenced gate for screening and blue stone instead of paving was to be installed as indicated on the site plan.

EM makes a motion to close the meeting at 8:40 p.m. 66 seconds motion. Vote of 5.

EN notes for the minutes that representatives for Evergreen Construction did not appear at the scheduled time of 8:00 p.m.

Anne M. Morse, Chairman

John P. Murray, Vice-Chairman

Emile W. Niedzwiadek

Glenn E. Gerrior

Edward T. Moore