



# 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 25, 1991

Meeting was called to order at 7:38 p.m. All members were present.  
Board's consultant, Philip B. Herr was also present.

### 311 FARM STREET SIGN CHANGE

John Emidy, Building Inspector, explains that he cited Mr. Paul Cameron of 311 Farm Street today because he moved his sign.

AM reads letter to Mr. Emidy from Thomas Palli, who lives at 310 Farm Street, dated April 22, 1991. He points out that the sign was moved 15 - 20 feet closer to Farm Street. He asks why it was moved and by whose authority. He asks that the Building Inspector correct this violation immediately.

J. Emidy explains that the sign was moved because the Registry of Motor Vehicles told Mr. Cameron to move it for his Class II license plates.

Paul Cameron explains that the sign was hit by a trailer so he moved it. The Registry of Motor Vehicles cited him and told him to move the sign where it could be seen.

GG points out that the Registry cannot overact the town.

AM asks where the sign was and where it is now.

J. Emidy points out the location on the approved site plan. He talked with P. Herr today. Mr. Cameron is altering the site plan by moving the sign. Mr. Cameron is here today to request relocation of the sign.

EM asks if they have the required setback.

J. Emidy responds that no setback is required.

EM asks if the sign is blinking.



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JM responds that it is not.

EM states that it is a proper sign. He makes a motion to approve moving the sign on the site plan for 311 Farm Street. EN seconds motion. Vote of 4.

AM instructs Clerk to send a letter to the Building Inspector annotating the above vote.

J. Emidy points out that the sign was moved 18' from the original location.

AM indicates that the letter should confirm that the Board approved the sign change because it meets the requirements of the Board. It is a legal size sign which does not obstruct visibility.

P. Herr points out that Mr. Cameron should have come before the Board to request the sign change prior to moving the sign.

### DEBRA LANE STREET ACCEPTANCE

AM reads letter from Gerard L. Daigle, Superintendent, Highway Department, dated March 12, 1991 regarding Debra Lane. The letter states that the Highway Dept. inspected Debra Lane and said road meets and satisfies all Planning Board prerequisites in compliance for street acceptance by the Board and 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.

EM asks if there are any sidewalks.

Frank Casagni, petitioner for the article for Debra Lane Street Acceptance, responds that there are partial sidewalks on one side. He presents the as-built plan.

EM states that the road does not make a circle.

F. Casagni responds that is correct.

AM asks if the outside of the road is loamed and seeded. Apparently, there was a problem because the Highway Dept. is not inspecting the landscaping.

F. Casagni responds that it is.



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EM makes a motion to recommend street acceptance for Debra Lane based on the recommendation of the Highway Dept. GG seconds motion. Vote of 4.

### SILVER HEIGHTS - 81-P

F. Pirrello, Guerriere & Halnon submits an 81-P for a land swap of 151 square feet for Silver Heights. They went to stake the house on the lot and they found out that the garage of the existing house was encroaching over the lot. The parties agreed to the swap. No frontage will be taken away. They are taking a triangle. There will still be 8,000 square feet, the same square footage.

GG states this is the last house being built on parcel 29A.

EM states that it looks like they added the garage on.

AM asks if this gives the garage proper setback.

F. Pirrello responds that no it doesn't, but it does make it less nonconforming.

EM asks if this gives the sideyard setback.

F. Pirrello responds that it does not.

EN does not understand why they do not need a variance.

EM asks why they do not make it conforming now.

F. Pirrello explains that the current zoning is 8. There is no way they can give them 8. They would only have 2.5 feet left. They can not give them more because the developer's house would be undersized.

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

F. Pirrello presents \$10.00 fee and application.

### NEW ENGLAND COUNTRY CLUB REVISED DEFINITIVE SUBDIVISION PUBLIC HEARING RE: PAINE STREET EGRESS

AM opens the public hearing at 8:00 p.m.

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



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Clerk reads notice of public hearing.

Gary Martinelli, counsel for New England Country Club, introduces himself, Jeff Sousa, project manager and Carl Adamo from Ronald Ash and Associates, project engineer. He explains that one year ago, the Planning Board approved the Subdivision plan for the golf course. The original approval showed egress across a bridge at Wrentham Road. During the past year they sought relief of the covenant which they entered into with the town in 1986 which would allow them to seek Paine Street as the principle means of egress. The November 1990 Town Meeting agreed to relieve the Country Club from that Covenant. They are substituting a new means of egress with Paine Street. The egress at Paine Street will be better for traffic circulation. It is also more economical. The bridge was a deterrant to the project. They want to get the Country Club open. They need access to the old clubhouse. They propose entering at Paine Street rather than Wrentham Road. They have been through the preliminary process with the Planning Board. They have now submitted their definitive plan. There are a couple of cellar foundations which were left at Wrentham Road. The Country Club agreed to clear up the condition of the lots prior to commencement of work for the new means of egress and the club. There were concerns brought forth regarding traffic at Wrentham Road and Paine Street. The Country Club agreed to undertake the planning and construction of a traffic aisle in conjunction with the town. The Planning Board raised the issue of construction of homes with one means of egress. Originally, they had 150 lots before they would have to build out to Bound Road and Wrentham Road. The developer agreed to reduce the number to 75, at which time they will build the new road. The developer is prepared to present and bond and security over 20 lots. Completion of the road and completion of all utilities will be bonded. People who buy the lots and build homes will have assurances that the road will be built.

AM asks P. Herr if there are any problems with the plans.

P. Herr responds that there are a series of questions, but he advises AM to proceed with correspondence which has been submitted to the Board.

AM reads letter from Gerard L. Daigle, Superintendent, Highway Dept., dated April 24, 1991 wherein he states that they have reviewed the April 1991 revised plan of Country Club Drive, of Paine Street, and they have no objections to having this street, entrance way, accepted by the Planning Board.



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AM reads letter from Lee Ambler, Town Counsel, dated April 24, 1991 regarding Amendment No. 1 to Covenant, May 25, 1989. He has reviewed the amendment. It has been approved as to form. He states that the content and concerns of the modification have not been presented to this office by the Planning Board. Therefore, he cannot conclude that all issues and concerns of the Planning Board have been covered by the text of the proposed amendment. It is his understanding that this was intended to amend the original covenant with specific regard to paragraph 3, so that the new plan will be incorporated with the terms of the Amendment. It includes such issues as the closure of Country Club Drive going onto Wrentham Road, the opening of the Country Club Drive to Paine Street, and the related matters attending thereto. They have modified the obligations of the developer relative to secondary access after 75 building lots as opposed to the original 150. Arrangements are also incorporated with regard to the obligation to provide some form of bond or other security relative to the completion of the roads. The developer has also incorporated certain obligations with regard to the Board of Health requirements concerning lots off Wrentham Road and the need to construct a traffic island at the intersection of Paine Street.

EM asks if additional lots are being gained.

J. Sousa responds that they lost one lot.

EM asks if all the roads will be bonded during construction.

J. Sousa responds that Country Club Drive through Bound Road will be bonded after 20 lots. Any roads (laterals) for which they have building permits will also be bonded.

AM reads letter from Donald DiMartino, Superintendent, Water-Sewer Dept., dated April 12, 1991, which states that they have contacted Mr. Adamo regarding the changes they are requesting. The changes are minor in nature and they have no major problems with the plans as submitted. He encloses a copy of the letter to Mr. Adamo with changes requested.

J. Sousa states that all changes requested by the Water-Sewer Dept. have been made and submitted back.

AM reads letter from Edward Wirtanen, Health Agent, Board of Health, dated March 20, 1991. The letter states that the Board of Health approved the Revised Preliminary Subdivision Revision and the New Roadway Entrance to Paine Street, prepared by Ronald M. Ash & Associates, Inc.



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AM reads memo to the Planning Board from Donald Dimartino, Superintendent, Water Sewer Dept., dated March 13, 1991, wherein he states that the Water/Sewer Commission has no problem with the new proposed 12" main connection to the existing 10" main in the Wrentham Road and Paine Street intersection. However, as a part of this first phase of construction, the 12" line shown on sheet #89 of the plans dated October 1988, must also be constructed. This is required in order to complete a loop of the new water main. "Mr. Sousa agreed to do this at my meeting with him on March 12, 1991. All other Water/Sewer Dept. regulations still apply, such as 500' maximum hydrant spacing and 1000' maximum line gate spacing. I have contacted Mr. Adamo about two minor location changes for gate valves."

AM reads letter from Barbara Gautreau, Assistance Assessor, dated April 23, 1991 wherein she states that the Board of Assessors has reviewed the proposed entrance to the New England Country Club on Paine Street. The Board has no authority to make a determination but it is of the opinion that the location of the road seems to be acceptable.

AM reads letter from Richard F. Ranieri, Fire Chief, dated April 25, 1991, wherein he states that the recommendations which he made in his February 13, 1991 letter still stand. AM reads February 13, 1991 letter from the Fire Chief wherein he states that his recommendation still stands 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. regulations of spacing of 500 feet between hydrants. He also spoke with Mr. Emile Belanger from the Water Dept. and he concurs that the water main connections as previously approved and detailed above take place as well.

EM states that the Board of Health letter referred to a 12" water main and the Fire Dept. refers to a 10". Which is correct?

J. Sousa responds that there will be a 10" from Paine Street to Wrentham Road. They are running a 12" but tying into a 10".

AM reads memo from Edward Wirtanen, Health Agent, dated April 24, 1991, wherein he states that the Board of Health will review the Definitive Subdivision for New England Country Club at their next meeting on April 29, 1991. He anticipates that the Board of Health will approve this subdivision at their meeting, since these plans have received favorable action, previously.

AM reads letter from Makram Megalli, Town Engineer, dated April 25,



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1991 wherein he states that he has no objection to recommending approval of the revised plans dated April 25, 1991. The revisions did not alter the intent of the original design for the drainage system. It is his understanding that upon the Board's approval, a complete set of drawings to show the revisions will be forwarded for his record.

AM asks if the Board received anything from the Conservation Commission.

J. Sousa responds that they appeared at the Conservation Commission meeting last night. The discussion was continued. There is some grading shown. They will move the contour lines out of the wetlands.

AM asks if that would be affecting the subdivision.

J. Sousa responds that no, it is within their property.

Carl Adamo explains that they inadvertently showed the grading beyond the wetland. The Conservation Commission wanted to see the revision. They did that today. It will be presented to them at their May 8, 1991 meeting.

EM states that the Conservation Commission is in favor of this since they will not be disturbing any wetlands because there will be no bridge.

AM asks if P. Herr has any questions.

P. Herr has some mechanical things. There is nothing substantial. He has not seen any of the paperwork regarding the covenant. There is a complex part which has to do with the conditions of the original approval. It is in verbal form but has to be changed. He has not seen the changes. Town Counsel approved them as to form, but he is concerned about the content and form. He is uncomfortable with the Board acting on this tonight because neither he nor the Town Engineer has reviewed these changes.

EM states that the changes were that they not be able to build over 20 without a bond, road bond go all the way through and reduction down to 75 lots before they build the road through.

P. Herr states that Town Counsel o'kayed the paperwork. The paperwork is very complicated and he has not seen any of it. Town Counsel is saying that it is legally o'kay, but he is more familiar with it.

EM thinks the town is gaining by getting the bond first and reducing



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them number of dwellings to be built before they build the road.

P. Herr had a concern in the preliminary stage that the grading of the property did not belong on this. Now there is retaining wall detail.

C. Adamo responds that is standard for all retaining walls.

P. Herr explains that graphically the plans show the retaining walls on the abutter's property.

J. Sousa states that the plans show it on their property.

C. Adamo points out the property line and the wall on the plan.

P. Herr states that the issue is on page 100. Sheet 10 shows a sweeping curve which the road makes. He is not sure of the centerline of the radius of the road. Lot 27 does not meet the zoning requirements. It has a lot of wetland. It is under water 9 months out of the year.

AM opens the public hearing for Beechwood Estates.

Clerk reads Notice of Public Hearing

EM makes a motion to continue the public hearing for Beechwood Estates to 9:00 p.m. EN seconds motion. Vote of 4.

P. Herr continues that there are some problems with including the subdivision in a business district. He confirms that the zoning in the area is complicated. He thinks they showed it correctly. There are no real issues. There were earlier but they have been addressed and been taken care of.

AM asks for questions from Board members.

JM asks what the deterrant is for lot 27.

P. Herr responds that lot 27 may be too small.

EM does not think that the 90% law was in place at that time.

P. Herr does not remember.

AM asks for questions from the audience.

Marion Cook, 71 Wrentham Road, lives north of the property. She is wondering how the surplus water will effect her.





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J. Sousa responds that the Town Engineer looked at the situation. It is the same storage as what was approved before.

C. Adamo explains that they will have the same amount of water getting in there. They changed the location of the detention basin and the road going along the side of Paine Street.

Marion Cook is wondering how it will effect the swamp.

C. Adamo responds that it is being captured by the drainage system to the detention pond where it is controlled and released.

Arthur White suggests they put a fence around the basins. He asks who will be responsible if anything happens.

C. Adamo explains they will be only filled during a heavy storm and will release out within 2 hours.

Arthur White points out that there is a Town Bylaw that you can't have a pool without a fence. He again asks who will be responsible.

AM responds that New England Country Club will be responsible.

EN questions how much water can be in a detention basin.

C. Adamo responds it is between 2 - 4' only when the storm is peaking.

P. Herr questions the retaining wall holding up the Cooks' land.

C. Adamo states that the wall is graded up at their property.

Brian Pearcey, Wrentham Road, states that everyone is here for drainage questions.

AM explains that only one person can be addressed at once.

P. Herr states that this is very complicated having new topograph on old topography. They need to draw a cross section for the current grade. He wants to see the proposed grade in relation to the road and the basin and the abutter's property. He is not saying it is wrong.

A. White can help them walk the property. There is a little brook with a pipe. A little water goes through the pipe under Paine Street.

J. Sousa explains that the water which is discharged at Bungay Brook



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does not exceed the limits because the catch basin and drainage will catch whatever is going through.

EN states that whatever is happening now will stay the same.

AM suggests that the applicant walk through the property with audience members who have questions. They can make arrangements later.

Richard DesJardins, 111 and 125 Paine Street, is directly across from the access. He talked with J. Sousa in the fall. 111 Paine St. is already developed. He is going to build on 125. Both lots are across the street from the proposed access road. He is surveying and working on the leach field for lot 125.

AM asks if they have engineered the lot they propose building on.

R. DesJardins responds that they have. Everything has been approved. He is concerned with the night headlights coming in his property.

AM asks if the land slopes up. She did not think it was level.

J. Sousa states that the property is actually across the street from the last condo.

R. DesJardins understood that the applicant was making an island.

J. Sousa points out there will be no island there.

AM states that he could raise his house high enough and put it on an angle.

EM questions if the road which is coming out is level.

R. DesJardins believes they would be coming down the hill.

J. Sousa states that Mr. DesJardins' road is elevated higher than Paine Street.

R. DesJardins talked with Mr. Sousa about putting up a living fence.

J. Sousa agreed to take trees off of their property and plant a few trees in the corner.

JM asks if Mr. Sousa would be willing to put that in writing.

J. Sousa responds in the affirmative.



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JM asks if Mr. DesJardins is satisfied.

R. DesJardins is.

Richard Catalano, 24 Wrentham Road, moved in in October 1990. He has serious concerns about the drainage. There are 10 - 12" <sup>of water</sup> at the back of his property. He is across from the entrance to the driving range.

G. Martinelli states they can not do anything about existing problems, but they will not make the existing problems worse.

AM explains that the drainage issue has been discussed at previous hearings and between the Consultant, Town Engineer and C. Adamo.

J. Sousa states that the subdivision plan will meets assurances. Everything will be bonded and registered.

JM points out that these are concerns which have been addressed and engineered already. This is a 4 year old subdivision.

Alan Sawyer, 211 Wrentham Road asks if there will be more flooding on Wrentham Road. He does not get much because his backyard sits higher.

EN responds there will still be flooding there but this will not make it worse.

JM states that the detention ponds will collect some water.

EN indicates that it may get better, but not any worse.

G. Martinelli states that they have completed in depth studies about the drainage. They are providing assurance to the Town.

Brian Pearcey, 235 Wrentham Road, asks if the existing road will be used for anything.

J. Sousa responds it will be a temporary access to the golf club until the road gets built. They are not putting in a new roadway until they build the subdivision. They do not expect to build Phase 1 this year or next year. The existing entrance will get closed out.

B. Pearcey asks if the new driveway access will be done after the foundations near his property are fixed.

J. Sousa explains that they agreed they would be cleaned up prior to



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any construction. The temporary road is considered any construction. The covenant promised to fix the foundations first.

EM went up to see the foundations the day after Mr. Pearcey submitted photographs to the Board. The walls are there and the foundations are there. It is not a pretty sight, however, the pictures made it appear dangerous. Someone could jump off and get hurt, but the wall can not be kicked down.

B. Pearcey states that it was the Building Inspector's concern that somebody could fall off.

A. Sawyer points out there are asbestos floor tiles.

EM states that the developer agrees to take care of that before anything.

B. Pearcey just wanted it clarified that the temporary road is considered new construction.

EM makes a motion to continue to review the covenant and compare it to the existing covenant. There are also retaining wall questions and lot 27 questions. The drainage questions of the Cooks' will be answered by the developer.

EM makes a motion to continued to May 23, 1991 at 8:00 p.m. EN seconds motion. Vote of 4.

### BEECHWOOD ESTATES

AM reopens the public hearing. She asks if anyone is here representing Onallam Realty Trust.

No one responds.

AM explains that the Letter of Credit with Milford Savings Bank for Beechwood Estates is no good. The Board is trying to come up with a way to bond the road. The road is deplorable. It is all breaking up. They tried to come up with solutions, but the developer has been uncooperative.

Bruce Lord, Esquire, is here representing 3 people who live there. He explains that the action which the Planning Board is taking is not aimed at you, the people who live there. It is aimed to help you get a road. The road was bonded through Milford Savings Bank. There is no guarantee that the subdivision road will ever get finished. Recission



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of the subdivision is not possible. That is not the legitimate method to take care of this. The Board is looking for some leverage with the developer.

GG explains that 4 developments in town had the same problem. They had security with banks which closed. They were Bald Hill Estates, Silver Heights, Elm Estates. They have all been resolved except for Beechwood. When the tragedy hit the Dmytryck family, the Board decided to wait one month to discuss this with Mrs. Dmytryck.

Clerk reads Mrs. Dmytryck's December 31, 1990 letter to the Board. She states that she is not available to come to the January 10, 1991 meeting but asks that the Board notify her when the next meeting would be. She further states that she no longer owns any of the lots at the Beechwood subdivision and does not believe that she has any authority to sign a new covenant. She asks that the Board clarify the type of security which would be acceptable.

Clerk reads letter to Mrs. Dmytryck from the Board, dated January 28, 1991 wherein the Board stated that although the Board would prefer that she present a passbook or cash as security, a Letter of Credit will be accepted. The Board also requested her attendance at the meeting of February 28, 1991 at 8:00 p.m. to discuss the type of security.

EM states that the Board wants to protect what is already there and the people who may buy lots.

B. Lord indicates that all the lots have been sold to private parties. 3 lots are in the Babson Realty Trust which has Sally Dmytryck as Trustee.

EM states that the road is paved up to the corner.

B. Lord states that lots 1 - 4 are in the same ownership.

Richard Martinelli, #7 Beechwood Road. He is in the middle on the right where it is unpaved.

Richard Desilets has a house up the side where the garage is now. He secured a building permit when he bought the property.

B. Szentmiklosy owns lots 1 - 4. She has frontage on lot 1. Lots 2, 3, and 4 have no frontage. They are being taxed on the land as buildable lots. she could combine 3 and 4 and end up with 80,000 square feet. The Conservation Commission said the land was high and dry. The 3 lots were included in the sale of Lot 1.



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B. Lord states there are 4 possible lots which have access to the road on the unpaved portion.

JM states that maybe the landowners have to sue Mrs. Dmytryck.

P. Herr asks if the FDIC has said they will not make good on the Letters of Credit.

JM believes that is something the developer has to look into.

GG states that Bald Hill Estates and Elm Estates had to negotiate their mortgages with the FDIC.

B. Lord points out that the Bamson Realty Trust lots are on the paved portion.

Tom Morgan states that no one but the Planning Board could go to the FDIC to get the Letter of Credit.

B. Lord indicates that clearly the developer is in default of the covenant.

T. Morgan believes that the Board should send something to the FDIC indicating that the subdivision is in default.

P. Herr states that it may require that someone deal with the FDIC on behalf of the Town.

JM thinks it should be channeled through Town Counsel.

T. Morgan states that the Board should at least collect the \$3600 passbook.

EM asks what they can do about the houses which are to be built.

B. Lord responds that there is nothing they can do about it. The lots are sold. The Board can not hold up building permits.

GG asks how many remaining lots are owned by Bamson Realty Trust.

B. Lord responds that all the people have either started construction or have houses.

GG points out that they are dealing with a developer who has been totally uncooperative.



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EN wants to make sure that the residents do not have future problems.

GG believes they should go to the FDIC because the Planning Board found the developer in default. Since the Board's last discussion, two more houses have gone up.

B. Lord states that is not the resident's fault.

GG indicates there will be a problem when Bamson goes to get a building permit.

B. Lord points out that she already built duplexes.

Richard Martinelli and Richard Desilets received their building permits in December 1989.

EM thinks they could rescind the subdivision to get it on the table and go to Court.

Mr. Ronca states that the Town owns the problem. They had the opportunity to accept or reject the Letter of Credit and they accepted it.

*Board Members point out that the economy was good at the time and there was no reason not to accept the Ltr of Credit*

B. Lord states they find out that the Letter of Credit is good.

P. Herr thinks they should try going to the FDIC. It is their best shot. He does not think they can rescind the subdivision because all of the lots have been conveyed. The Board could rescind, but there would be no affect because all of the lots have been conveyed. The Board should contact the FDIC and try to contact Mrs. Dmytryck in a personal manner. She may be willing to provide the security.

JM asks why Mrs. Dmytryck would provide the security.

P. Herr believes she has an ethical obligation. He suggests that someone call her. She has a moral obligation to stand behind what she has done.

B. Lord suggests that the public hearing be continued for 30 days. The lots went from trust to trust. All the covenants were released when the bond was in place.

P. Herr states that the Board can not rescind the plan and they can not withhold building permits. The lots have no access and no security.



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GG explains that Bamson and Onallam Realty Trusts are 2 different entities.

EM asks if anyone from the audience has outstanding monies owned to the developer.

A few residents respond that they do.

Richard Desilits asks if Mrs. Dmytryck still owns the road.

EM responds that she does. He makes a motion to continue the public hearing to May 23, 1991 at 9:00 p.m. GG seconds motion. Vote of 5.

AM instructs Clerk to prepare a letter to Town Counsel asking him to correspond with the FDIC to see if they will act on the Letter of Credit. He should be advised that the developer is in default.

B. Lord explains that individual landowners can not sue on a bond. They can not enforce that. Only the Town can.

AM indicates that Onallam still owns the road which is not accepted by the Town.

GG suggests that everyone on the street give her office a call.

Richard Martinelli does not think that the developer has anything.

### BROOK ESTATES

### DISCUSSION RE: SITE PLAN REVISION

Huna Rosenfeld, developer, DAVNA, is here to bring the Board up to date on Bellwood and Brook Village. They completed the last phase for Bellwood. They are ready to pour the foundation for the last 4 units. They had the bank mortgage for Brook Village with Merchants Bank which is now with the FDIC. They made a deal which has been consummated. They are ready to go back and do percs next week.

EM states that they have not done anything yet.

AM asks for the status on the problem with the culvert.

H. Rosenfeld states they came back one year ago, in June 1990 for a modification. They agreed to do the revised site plan and do culvert on Brook Street at the same time. They will do it when they build the road, before they obtain the building permits.





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Dave McCready, partner of Mr. Rosenfeld, points out that they still have to come back with a new site plan.

H. Rosenfeld presents a letter to the Board requesting a one year extension for Brook Estates Special Permit Modification which was filed on June 18, 1990.

AM asks if there is anything temporary which Mr. Rosenfeld could do to alleviate the problems. It is getting worse.

GG indicates that when Mr. Rosenfeld's daughter was in, she led the Board to believe that the culvert would be done relatively quickly, but it has not been done.

AM suggests that maybe it can be cleaned out.

EM points out that it is washing out and the road is getting narrower.

GG can not vote to extend the special permit unless the culvert is done pronto. He asks if anyone has gone to the Town Engineer to ask him what to do.

H. Rosenfeld responds that no one has.

AM suggests that he go see him to discuss the problem.

GG suggests they extend this discussion to another meeting to allow the developer time to meet with Town Engineer.

EM states that they need headwalls to keep the road from washing away.

AM thinks they can come up with an inexpensive temporary solution.

H. Rosenfeld explains that it takes big equipment to do that.

EN makes a motion to continue the Brook Estates special permit extension discussion to May 9, 1991 at 8:00 p.m. EM seconds motion. Vote off 5.

H. Rosenfeld states that the original site plan road was different than what they have now. They now have a design with different drainage.

### GENERAL

P. Herr discusses the Request for Opinion which B. Lord presented to the Board at the last meeting for Lakeview Avenue. He thinks that



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someone should go down to look at the property. The way has been there.

EM states that it goes between two houses.

GG explains that the Board turned down a woman and her brother who had the same situation because they would have to put a road in.

P. Herr states that the way for Scott Hill Blvd. was not adequate. The question is whether or not the way is adequate.

B. Lord requests that the Board make a motion relative to this matter.

P. Herr states that the way physically existed before Subdivision Control Law. it has been documented subsequent.

B. Lord states that it is an 18' wide right of way.

P. Herr asks if the Board has ever accepted an 18' right of way before.

JM responds that yes, they have with Lake Hiawatha. He makes a motion to refuse to endorse the letter because the way is not adequate. EN seconds motion. Vote of 5.

AM instructs Clerk to send a letter to the ZBA by next Thursday notifying them that the way is not adequate.

P. Herr refers to Phil's Landscaping and the question of whether or not Development Plan Review is required. Flattening the land will improve the grade of the land. DPR has to be done because they are moving more than 20,000 square feet of vegetation. This is a substantial question.

EM questions what the Board's response to the ZBA should be.

B. Lord points out that this is an extremely environmentally difficult lot.

P. Herr responds that the DPR should come after the special permit.

GG states that this proposal will change the drainage substantially.

AM states that the ZBA will act first and DPR will be done subsequent.

P. Herr indicates that the response to the ZBA should state that the special permit is subject to Planning Board DPR. It should be listed as a condition to the special permit should they grant one.



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P. Herr reviewed the Comprehensive Plan for the City of Woonsocket. He presents a letter which he drafted to be sent to the Woonsocket City Planner. He found no problems.

P. Herr presents a copy of the DEP Regulation about which Steve Racicot had some questions concerning the proposed Water Resource District Zoning Article. He states that the bylaw states in one case that it prohibits removing more than 70% groundcover and another says "can't retain more than 30%". They say the same thing. This is not a change. If they want to talk about changing that, they need to flag it. They can talk about it at another time. Now they are just complying with the new DEP Regulations. They can not suddenly bring in a change which they haven't told the people about.

EM states that they have to remember that they kept what they already have but added to comply with DEP. The Board agreed to discuss this further with the Conservation Commission.

P. Herr states that J. Emidy has raised a series of questions with him re: nonconforming lots. He is being very careful.

Mail/Correspondence.

EN makes a motion to accept the minutes of April 11, 1991. JM seconds. Vote of 5.

GG makes a motion to adjourn at 10:45 p.m. EN seconds. Vote of 5.



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*Anne M. Morse*

Anne M. Morse, Chairman

*John P. Murray*

John P. Murray, Vice-Chairman

*Emile W. Niedzwiedek*

Emile W. Niedzwiedek

*Glenn E. Gerrior*

Glenn E. Gerrior

*Edward T. Moore*

Edward T. Moore