



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

May 23, 1991

Meeting was called to order at 7:45 p.m. All members except EN were present. The Board's consultant, Philip B. Herr, was also present.

Susan O'Malley presents an 81-P for Little Tree Lane. They are buying a piece of land from their neighbor. It does not affect the frontage.

AM asks if they want to put a pool in.

S. O'Malley responds that is correct.

AM thinks they are porkchopping the lot.

EM does not think they are contorted lots. He questions how they are zoned.

AM responds it is zoned residential.

EM indicates that it only requires 125'. It is not a subdivision. He makes a motion to sign the 81-P plan. GG seconds motion. Vote of 3.

GG instructs Clerk to pull a copy of the site plan and scenic road approvals for Maplegate Country Club and forward them to the Building Inspector. He further instructs Clerk to forward a letter to the Building Inspector asking him to inquire as to whether or not the site meets the specifications of the Planning Board's approval. The Board requests that he go to the site and look at the trees. He is to take whatever appropriate action is necessary. GG went by the site the other day. The applicant did not put in the required size of trees. The trees he put in were only 1 1/2" in height. GG makes a motion to send the letter to the Building Inspector. EM seconds motion. Vote of 3.

AM reads the draft Brook Estates special permit extension. She instructs Clerk to add good cause due to the recession and economic conditions and add date of special permit modification of June 18, 1990. The Planning Board agrees to approve the special permit for one year provided the culvert is repaired by August 1991. The Board's agreement to extend the special permit is contingent on the culvert reconstruction by August 31, 1991.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

AM asks Clerk to bring the extension to Town Counsel for review before the next meeting.

NEW ENGLAND COUNTRY CLUB

CONTINUED PUBLIC HEARING RE: REVISED DEFINITIVE SUBDIVISION

AM opens the public hearing.

EM explains that the Board is short one member. He asks if the applicant would wait 15 minutes.

G. Martinelli agrees to wait.

EM makes a motion to continue the public hearing to 8:15 p.m. tonight. GG seconds motion. Vote of 3.

Member John Murray arrives.

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

G. Martinelli introduces Jeff Sousa and Carl Adamo, project manager and project engineer. He explains that the design details were cleared up one month ago. P. Herr was asked to review the Covenant. He has notified them that he has reviewed it and is satisfied. Town Counsel also reviewed the revised Covenant.

AM explains that P. Herr will be here a little late tonight. He had questions about the detention pond in the rear.

Clerk reads P. Herr's comments which he relayed to her by telephone. He noted that the legal paperwork is fine. The drawings are fine except for the drive in Country Club Road. There is a large detention basin on the left. He questioned what separates the basin from the road. Originally the plans showed a vegetated screening. He told the engineer that he needed to know what that was. He wanted them to make it specific. They responded by taking the vegetation off the plan. Now they have put in bushes every 5'. This is a real concern because the hole is 15' deep. There is a fairly steep bank going down. He has a concern with appearance and safety for the basin. They are not putting fences up because they are ugly and kids go over them anyway.

C. Adamo notes that he discussed the problem with P. Herr yesterday. Their original discussion had to do with vegetated screen and what it would be made out of because it was not specified. There was a misunderstanding



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

about the safety issue. They thought that P. Herr wanted the screening out, but he wanted it in. He just wanted to know what it would be. He was concerned about children coming down Manchester with bikes, sleds or skates. They will have hemlock screen 5' on the center and a rustic barrier which is a semi-guardrail. They faxed this information to P. Herr's office two days ago. He talked with Mr. Herr's assistant, Joe Carroll.

AM asks how high the barrier is.

C. Adamo responds that it is 27" off the ground.

EM asks if it is shown on the plan.

C. Adamo responds that it is.

EM asks about the question regarding the retention wall problem on the Cooks' property.

J. Sousa responds that they lowered the retention wall to 4'.

C. Adamo explains that there was a problem with lot 7. It was the height of the wall which bothered them. It was the idea that it was unprotected. They will now have a guardrail. They were wondering about pedestrians slipping off the wall. Therefore, they put in a 3 bar rail. It is a rail post with 3 bars which is a steel post with pressure treated lumber which will be mounted on the back. Across the street from lot 7, there was concern about the height of the wall. They added the 3 bar post rail. This is the only revision that P. Herr did not see. They faxed him the sketches.

AM states that P. Herr told the Clerk that the paperwork is fine. Town Engineer also said that the paperwork is fine.

J. Sousa explains that the Water Dept. added in the covenant that they had to loop Country Club Drive up Manchester and through Paine. That has been added.

AM asks if P. Herr saw that addition in the covenant.

J. Sousa responds that it was suggested by P. Herr.

EM notes that the only other question had to do with lot 27.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

J. Sousa states that they do have an amended Order of Conditions from the Conservation Commission. It is a right sized lot.

C. Adamo explains that they sent correspondence to P. Herr regarding lot 27. It is only under the water 5 months at best and 3 - 5 months out of the year. 9 months out of the year there is no water on the lot.

P. Herr arrives at 8:30 p.m.

AM asks if that is more of an issue which should be addressed by the Conservation Commission rather than the Planning Board.

P. Herr points out that it is a Planning Board concern as well.

AM asks if P. Herr is satisfied with the revisions.

P. Herr responds that he is. He notes that he was concerned with the deep hole and the steep bank. The shoulder slopes at the top bank. It is subject to criticism because it is blatantly hazardous.

C. Adamo reiterates that they are planting hemlocks 5' on center and a rustic barrier in the front.

P. Herr notes that it is fine as far as he is concerned.

EM asks about the retaining wall at the Cook property.

P. Herr responds that it's okay as long as the rail is there. Kids can still go over the rail, but the rail will make an effort to prevent harm.

EM notes that no one will get through the rail by accident.

P. Herr points out that the Covenant is straight as far as he is concerned. The Water Dept. agrees.

AM notes that they added another covenant at the request of the Water Dept. She asks if P. Herr is happy with that.

P. Herr responds that yes, that is fine.

Richard DesJardins, who owns the lot at 125 Paine Street, and resides at 460 Elm Street, Woonsocket currently. He talked with the Board at the last public hearing. He owns 2 lots directly across from the access road. He is concerned about the lights coming out of the Country Club. He would



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

like a living fence included as part of the covenant.

AM notes that no spoke in terms of including it in the covenant. She does not think they can do that.

EM explains that the Board does not have the right to do that. He asks if there are houses on the lots.

R. DesJardins responds that there is a house on 111. 125 is to be constructed.

EM asks which lot is across from the entrance.

R. DesJardins responds they both are. He presents a letter to the Board.

J. Sousa who was also presented a copy of the letter states that both lots are listed. They never discussed both lots.

R. DesJardins explains that 125 takes over 4' from 111.

AM reads letter signed by Richard DesJardins and Roseline DesJardins, dated May 23, 1991 which states that "this correspondence is a formal request from the owners of the lots located on Paine St., South Bellingham, to the Bellingham Planning Board to include as part of the covenant between the Town of Bellingham and the New England Country Club, the erection of a living fence in order to prevent any intrusive lighting to the dwelling on these locations caused by vehicles exiting the proposed new access onto Paine Street. The living fence to be constructed of trees Aborative-Thunja (Dark American), planted no farther than three feet on center and of a minimum of four feet tall. It is understood that no fence is to be constructed on Lot #2 (125 Paine Street) until the house on that lot is constructed".

J. Sousa points out that the lot across the street does have huge pines. They never talked about that lot and they never talked about a covenant. They are concerned because they have 225 neighbors *who* are abutters. They could all ask to put in living fences. Where does it stop? He talked with Mr. DesJardins in November 1990. At that time, they made an agreement that when the house is built, if there is a problem, the Country Club will take some existing trees which they have on the golf course and transplant them. This is now getting extended.

EM notes that the Country Club agrees to give existing trees if there is a problem. Now there are 2 lots with problems instead of one. He does not



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

think they have the right to add it to the covenant.

Am does not think they have that right either.

P. Herr points out that the Country Club has just committed itself to what was just described.

AM notes that it has to be worked out between the parties. It can not be part of the covenant at all.

JM notes that as long as the Country Club has committed itself, Mr. DesJardins has assurance that if he builds his house, they will put trees in if it is required.

EM states that if there is a problem, the Country Club will give the trees as a good neighbor.

P. Herr states that this is not like the usual small subdivision. They have to proceed in stages. This will take a long time to develop. If they do go away there will be no headlight problem. They should know whether or not there will be a problem by the end of the first phase. It is not inappropriate for the minutes to state that this issue will get rectified by the end of Phase I. They will know whether there is a problem and if there is, whether the Country Club will make good on what they indicated and agreed to do tonight.

EM notes that then if there is a problem, this would document that they agreed to correct it.

JM asks if the Country Club is willing to give a letter stating that they will rectify the problem if it arises.

AM suggests that the Board send Mr. and Mrs. DesJardins a copy of tonight's minutes.

R. DesJardins indicates that he does not want to have 4" pines planted on his property.

EM points out that there may not even be a reason to have any.

R. DesJardins would rather have it stated in a letter if there is no problem.

AM states that it is already recorded in the minutes. They agreed that



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

they would address the problem.

Brian Pearcey, 235 Wrentham Road, points out that last month he brought up the issue that the work would not begin until the lots on Wrentham Road are cleaned up. Last month the applicant stated that they would be using the existing entrance as a temporary measure until they build a new road for the golfers. The present road is temporary only. It has been one month and nothing has been started on the new road.

AM explains there is no road yet. That is why they are here tonight. They can not build the new road until the subdivision has been approved. AM reads item 3d. of the Amendment to approval which states that the developer shall be permitted to construct in accordance with the Amended Definitive Plans, the new entrance road leading from Paine Street to the road servicing the golf course clubhouse so long as the work provided for under item 3c is completed. Item 3c. states that the developer agrees to excavate and remove concrete and other debris, regrade, loam and seed two lots owned by Developer which lots are located on Wrentham Road. AM notes that the new entrance exceeds the town's safety standards for site distance. The new road will be built after the Planning Board approves the definitive subdivision plan. They can use the old entranceway until then.

P. Herr states that does not give Mr. Pearcey assurance.

G. Martinelli states that the covenant provides that they will do the work before the road or before October 31, 1991.

P. Herr points out that the developer agrees to excavate and remove debris, regrade and seed two lots identified as Parcel 15c. on Map 97. The work will be commenced prior to the start of work and completed before the commencement of construction and by October 31, 1991.

B. Pearcey asks if both lots will be maintained until then.

J. Sousa responds in the affirmative. He understands that the grass is about 1' high now. They agree to maintain it.

AM explains that the covenant is not in effect until it is approved. She asks if anyone has any questions.

JM makes a motion to close the public hearing. EM seconds motion. Vote of 3.

EM makes a motion to approve the revised definitive subdivision for New



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

England Country Club with the conditions as discussed and with the agreements set forth.

P. Herr notes that all of the conditions are written down.

G. Martinelli states they are asking the Board to sign Form D-1, approval, Form F which is the subdivision covenant modified and the New England Country Club covenant amendment #1.

EM makes a motion to approve the revised definitive subdivision for New England Country Club with the stated conditions. JM seconds motions. Vote of 3.

P. Herr states that the developer has to record both the plan and the covenant. They must bring copies for the Board's files. His office will compile a current set of the drawings.

Members sign the D-1.

Clerk adds decision date of May 23, 1991 to the Form D-1.

BEECHWOOD ESTATES

CONTINUED PUBLIC HEARING RE: PERFORMANCE BOND

AM opens the public hearing.

GG rejoins the discussion.

AM notes that she was asked to call Mrs. Dmytryck to see if she was willing to come up with another bond. Mrs. Dmytryck responded that in light of the death of her husband and her present economic situation, she would be unable to do anything. She also talked with Town Counsel. He contacted the FDIC who stated they have no obligation relative to the bond. Town Counsel asked if the Board would like him to pursue other legal avenues.

Bruce Lord, Esquire, states that Onallam still owns property in its name in town. Two of the lot owners on Beechwood Road have personal notes of \$15,000 each with Mrs. Dmytryck. There is a total of \$30,000 which can be attached to.

AM does not know if they can do that.

B. Lord suggests they put liens against whatever property she owns.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

AM states they will have to bring a suit to put a lien on.

B. Lord responds that yes they would since there is no longer a bond present. Recission of the subdivision does nothing to force the developer to do anything. It may or may not hurt the developer. Under Massachusetts law, the lot owners have no recourse against Mrs. Dmytryck for the road. Only the Town of Bellingham has a recourse. Recission will cause them to sue the Town. He suggests the Board direct Town Counsel to take whatever action is necessary in the form of liens and other entities attached to Onallam Realty Trust.

Am states there is a problem with recission of the subdivision, but something has to be done. The Fire Chief, Board of Health and Building Depts. all issue permits. It should be annotated on the permits that there are no escrow funds available for municipal services. This should be done prior to occupancy issuance of permits. The Board should send all building depts. notice to begin that annotation on permits.

B. Lord states that is not a reason not to issue permits.

EM states that at least the people will be aware. He refers to a problem in Franklin with the Cranberry Meadows development. A guy built and said he did not know there was no bond.

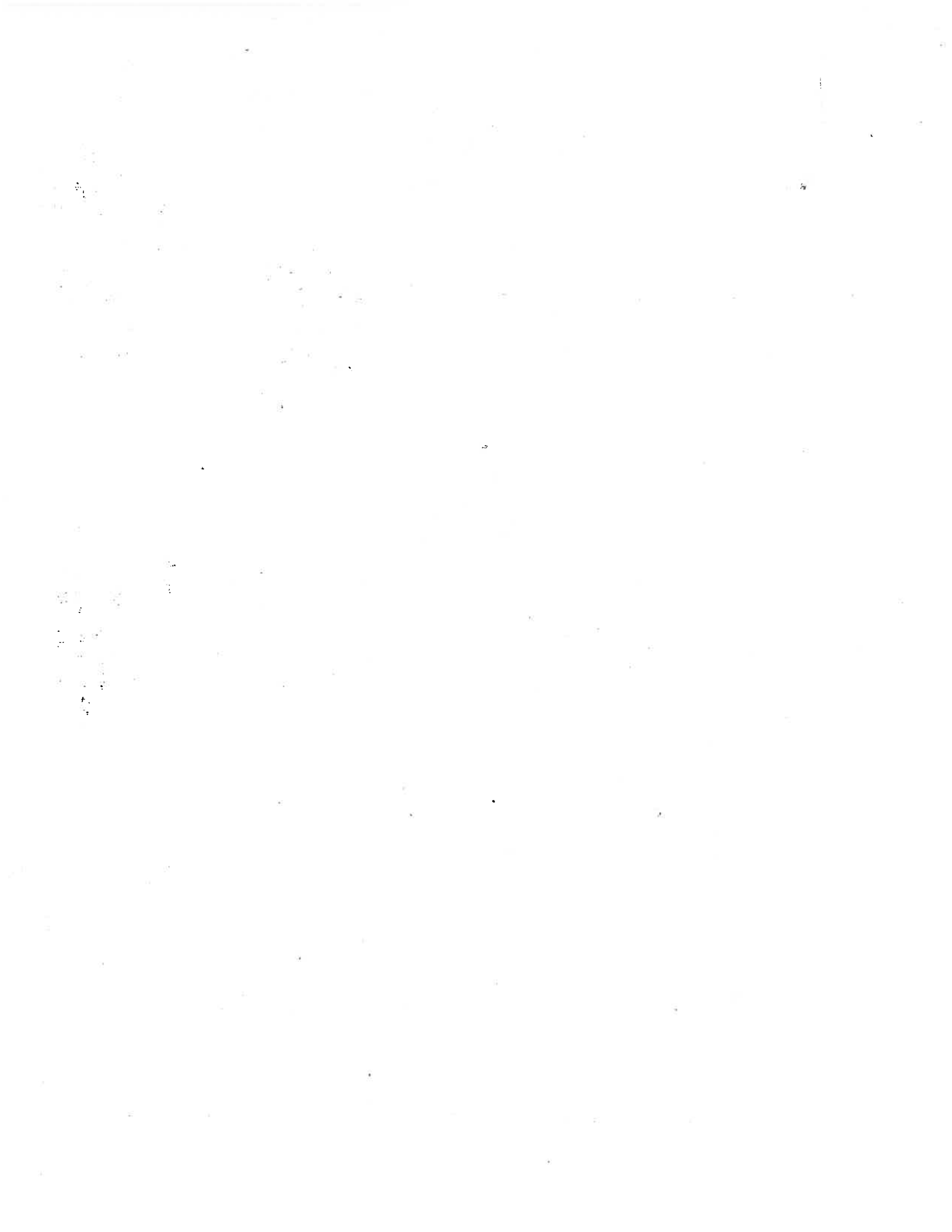
Mrs. Bennett, 28 Beechwood, states that her daughter owns the only lot to be built on.

Am states there is one under construction. If they decide to sell that house, there will have to be a new fire inspection.

B. Lord states that this provision has to be discussed with Town Counsel. The problem is traced to the lack of bond held by the town. If they put that annotation on the permits, that person will be unable to get financing as a result of the notation. The Board would be creating something they do not want to get into. The problem was caused by the Town because of the Town's failure to maintain proper bond. At this stage there are houses there. Two gentlemen are at the end of construction. They will be going to the bank to get a mortgage. They will suffer substantial damage as a result of that notation.

AM points out that otherwise a person buying without notice would suffer.

B. Lord notes that the owners of those two lots will not be able to convert their construction mortgage to a conventional mortgage. He suggests that





BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

the Board go back to Town Counsel to discuss this in detail. It will not get the town in trouble inadvertently. It goes beyond the intent.

AM asks if the two residents nearing completion of their homes will be going for occupancy before the next meeting.

EM wonders if this is a situation where the case against the town will be made bigger.

B. Lord states that the notation may cause more damage.

GG states there are 2 houses under construction and the owner of the third lot is here.

Am states that the problem is if they decide to sell, the buyer will not be notified.

B. Lord points out that all lots were consolidated and were made bigger. There are not that many lots.

Mr. Ronca, Ronca Realty Trust, states there were two lots which were given as part of the transaction. There is an easement which the owners will not be able to obtain release from.

B. Lord states that if anybody sells their house, a title examiner will find out why there is no road.

AM states they never did that before.

B. Lord explains that most banks will not give a mortgage on a dirt road. The banks will refuse the mortgage.

Am does not want to see someone taken because they think the road will be built.

EM asks why anyone would go in and get a building permit now.

Mr. Ronca does not know if the Board has the right to go in and encumber any permits. There is a mutual problem. The Planning Board on behalf of the Town accepted the subdivision and the bond. The Town has no right to encumber anyone who owns property there because it is already deeded out.

AM feels they have a right to protect the Town.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

B. Lord states they can protect it by going after the developer.

Mr. Ronca states there is an issue on how they can rectify the road.

B. Lord asks how encumbering the owners ability to sell houses will help. The Town is as much to blame for this situation.

EM notes that at the time the bond was good.

B. Lord states they should take action to go after the developer by taking liens. The Board should not go after the owners. Town Counsel should pursue all legal action possible.

GG does not understand AM's position.

AM wants to protect the town.

GG feels it is a mutual thing to help the town and the residents.

AM wants to help future residents.

B. Lord states that if a person bought the property he would know there was a dirt road.

Mrs. Bennett states that they are all here. The Board should worry about them and not people down the road.

AM states that right now, the notation on the permits would be the town's solution instead of rescission.

Mr. Ronca points out that if the Fire Chief forgets to write the notation on a permit, the town would open itself up to suit. He does not feel that the Town has any right to encumber property whatsoever.

B. Lord states that the property owners can not take legal action against the developer for noncompletion of the road and lack of bond. The Planning Board is the only one who can do that.

JM suggests they consult Town Counsel about pursuing legal action.

P. Herr asks about the number of potential new building permits.

Mr. Ronca responds there is only one.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

B. Lord states there are 2 potential building permits. Two are also under construction.

P. Herr states that they put the notation on building permits, it would effect two people. If they put it on the occupancy, it would effect 2 or more people, for a total of 4. Whatever is done will effect the change in occupancy and ownership. The Fire Chief may decline to make the notation because he may feel that it is outside his jurisdiction and not part of his inspection. He may not feel that he has the right to do that. The Board should ask Town Counsel for the appropriate mechanism relative to the building notation. It is difficult because there are two houses under construction. Town water is in. Electric is in. Street paving and sidewalks are not in.

AM states there are problems because of trash pickup and plowing.

P. Herr asks if there is some way to put the notation on for occupancy.

B. Lord states that the title examiner will see that there is no road. If it is put on the occupancy permit, the bank will not close. It will cost money and it will cost the owner a mortgage.

P. Herr states there are two lots which are under construction. He asks how many houses are built.

EM responds there are nine.

AM notes that some were combined by purchase.

B. Lord states there are 2 lots in wetlands and in an easement. There is only one potential buildable lot.

P. Herr states that it is unfair to treat the last two lot owners differently.

Mrs. Bennett states that the owner of the lot in the easement knew about the easement.

GG points out that the owner is being taxed on 4 lots. She can go for an amendment to the Tax Assessor's office since she can not build on 4 separate lots.

B. Lord explains they were recorded as 4 lots. 2 are in the wetlands and outside the easement. One is buildable.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

EM asks what will keep someone from buying and building on a lot.

P. Herr does not feel there is much building potential. The Board can vote tonight to ask the Building Inspector to place a notice on any building permits issued that there is no assurance for street and sidewalk improvements. The two houses which are being constructed will not be conveyed next month. The notation can also be placed on occupancy permits for next month. In the meantime, someone should meet with Town Counsel to get guidance relative to the notation. If necessary, it can be reversed at the next meeting. Town Counsel should be asked to pursue all available means to ensure that Onallam is in compliance with the Subdivision Control Law to include actions of attachments, means and other devices. This would get something going. They can pursue action going against Onallam if the assets are attachable.

Daniel Lussier, 6 Beechwood, asks why Town Counsel is not here when it is the Town who pays him.

AM responds that he is at another meeting with the Board of Selectmen. He was asked to contact the FDIC which he did. She called Mrs. Dmytryck who said there was nothing she could do. Rescinding the subdivision will hurt the residents.

D. Lussier indicates that he spoke with an attorney who noted that another possible recourse is against the Town for failure to take proper action. He thinks that Town Counsel should be here instead of going back and forth. Sally Dmytryck is trying to sell the lot right next to him.

AM states they are trying to protect the person who would be buying.

D. Lussier would like to have Town Counsel here at the next meeting.

AM explains that Town Counsel had to attend union negotiations with the Board of Selectmen and could not attend tonight's meeting.

JM states the question is whether or not the lots which the developer owns and conveyed to Babson Realty Trust were conveyed to avoid paving the road. The trust may not be legally binding if it was a fraudulent conveyance.

B. Lord suggests the Board give Town Counsel the directive to investigate whether the trust are legally binding. They could start legal action before the next meeting.

AM explains they had decided to pursue the FDIC and Mrs. Dmytryck first.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

Now they can pursue legal action.

Mr. Ronca suggests they may be able to join the FDIC as part of the suit. They should go after every avenue.

P. Herr states they can put the notation on building permits and occupancy permits for only one month stating due to the lack of bond, there is no guarantee of municipal services. This can be reviewed with Town Counsel in the meantime. If he says no, it can be taken off the permits.

Mrs. Bennett asks why they want to punish one person, meaning her daughter.

JM makes a motion to send notice to Town Counsel to pursue whatever legal action is necessary to get the road built on this subdivision. He does not think they should put a notation on the permits. GG seconds. Unanimous vote of 4.

EM asks about blocking future building permits.

GG thinks they would be punishing someone from getting financing and losing land.

P. Herr asks if there is no vote on the notation on the building permit and occupancy.

GG has no problem with doing it for one month, but not indefinitely. He wants to hear Town Counsel's opinion.

AM already discussed it with Town Counsel and he agrees with it.

GG wants to see that he agrees in writing. The letter to Town Counsel should ask that he look to every legal remedy. He should be asked to respond within 2 weeks. The Board also asks for his recommendation relative to the notation on bonds relative to the liability the town will open itself up to if someone does not get an occupancy permit. What affect will the notation have on property owners?

P. Herr states that if they are talking about litigation, it should be discussed in Town Counsel's office. That should be done as well as sending the letter. It would be a good idea for Town Counsel to be here to answer questions.

B. Lord states that they will have to meet in executive session to discuss litigation. They do not want to discuss possible litigation in public.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

The people here want to hear that the Town is taking legal action.

JM can not believe that the residents do not have a suit against the developer.

B. Lord explains that their strongest legal action is against the Town.

JM asks about breach of contract against the developer.

Mrs. Bennett points out that when the lots were bought there was a bond.

B. Lord explains they can take party action against the town. The Town can sue the developer.

P. Herr suggests they move swiftly before the developer hides her assets.

AM suggests that the Board meet at Town Counsel's convenience as a whole to discuss whether or not they have legal recourse. That should be stated in the letter to Town Counsel. After he reviews the situation, he should contact the Board to discuss whether or not there is a legal remedy.

JM makes a motion to continue the discussion to June 27, 1991 at 8:15 p.m.
EM seconds motion. Unanimous vote of 4.

P. Herr asks if there is a possibility of rescinding.

AM responds that yes, Town Counsel still recommends rescinding.

GENERAL

P. Herr is updating the street map. He asks whether they should include all roads in approved subdivisions regardless of whether or not they are built. He can not figure out a rule.

GG thinks it should be based on an emergency situation.

P. Herr asks if Benelli Street should be shown and New England Country Club.

GG believes they should show roads where structures are built.

JM does not think they should show Bound Road because it is not passable.

EM points out that would be creating paper streets.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

P. Herr will only put on streets where houses physically exist. He will not show Country Club Drive but will include Bald Hill and Birch Tree.

EM states that the buildings and units at Crestview Commons are put in.

P. Herr will show Crestview commons. Hillside Estates is built. Shores at Silver Lake is not built now. If a road was built to subdivision standards even if it is not on a subdivision plan, they will show it. They will include Bellwood.

B. Lord points out that there are no houses at Herthal Estates.

EM indicates that Box Pond Drive has been blocked off, but it connects to Box Pond Road.

B. Lord explains that Varney owns part of the road. It is a private road at best.

P. Herr states that Beaver Brook has been built. Riverview Park Phase IV has been approved but not built, so it will not be shown.

GG indicates that Pickering Avenue Extension for Oak Knoll Estates must be included.

EM states that Old Blackstone Street should also be included.

Clerk explains that the Town Clerk has asked the Board to consider an increase in the price charged for the Zoning Bylaw and Subdivision Rules and Regulations. The Town is now losing \$.90 for each book which is mailed because of the increase in the cost of mailing. The current charges are \$7.00 for pickup and \$9.00 for mailing.

EM makes a motion to increase the fee for the Zoning Bylaw and Subdivision Rules and Regulations to \$8.00 for pickup and \$10.00 for mailing effective July 1, 1991. JM seconds motion. Vote of 4.

EM refers to Section 10, Chapter 40 regarding Variances. Section 1300 applies to the Board of Appeals. Jim Brennan, a former member of the ZBA brought up the issue of pressure to use variances.

P. Herr indicates that half of the communities allow the use of variances and half do not. He is not troubled by it. It was changed in 1975. The integrity of the community changed the granting of variances. The criteria for granting variances is very tough. He will look at the record of the ZBA



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MAY 23, 1991

to see what use variances have been granted. He will look at the last 5 years. He does not see a problem.

AM asks if there is anything on the agenda for the June 13, 1991 meeting.

Clerk responds that there is nothing.

GG makes a motion to cancel the June 13, 1991 meeting. JM seconds motion. Vote of 4.

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

Anne M. Morse, Chairman

John P. Murray, Vice Chairman

Emile W. Niedzwiadek

Glenn E. Gerrior

Edward T. Moore