



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

JANUARY 23, 1992

Meeting was called to order at 7:36 p.m. AM, GG and EM were present when the meeting began. EN and JM came in a little later. Board's consultant, Philip B. Herr, who was also present, came in at 7:52 p.m.

SUBMISSIONS

Mark DiCristoforo is here regarding the 81-P which he presented for Wrentham Road at the last meeting.

Clerk explains that P. Herr reviewed the plan at the Board's request. He said that the question had to do with the lot shape factor. It is a question which the applicant's surveyor should answer. However, he did the calculations and found that the plan met the lot shape factor for the Town as indicated in the Zoning Bylaw.

EM states there is an existing house and there is a horseshoe in the back. There is 80' of frontage on one side and 140' by itself. The applicant could go for a variance on the other side. It is an odd shaped lot. He makes a motion to sign the 81-P, Form A for Wrentham Road. GG seconds motion. Unanimous vote of AM, GG and EM.

EM makes a motion to sign the June 28, 1991 minutes. GG seconds motion. Unanimous vote of 3 (AM, GG and EM).

EN and P. Herr join the discussion at 7:52 p.m.

INFORMAL DISCUSSION WITH JOHN DONOVAN TO REVIEW PRE-PRELIMINARY SUBDIVISION DRAWING FOR POSSIBLE RESIDENTIAL DEVELOPMENT AT 114 N. MAIN STREET

AM abstains from the discussion because her company has done work for John Donovan and he has worked for them.

John Donovan explains that he has a one lot subdivision which he wants to divide into two.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

EM looks at the plan and states that he does not remember a Donovan Circle at No. Main Street.

J. Donovan explains that there isn't such a street but they just had to put in a landmark.

GG states it is across from High Street.

J. Donovan states that Al Forenzi, the engineer, designed this as a concept. They wanted to know if it meets the zoning regulations. He believes that it does meet with the frontage and area.

P. Herr asks if they ever proposed a subdivision there before.

EM indicates that it was not proposed as a subdivision but as a Zoning Board of Appeals variance.

J. Donovan points out that they went to the Zoning Board of Appeals for a variance for the frontage.

P. Herr asks the reason why it was denied.

J. Donovan responds that they did not want to create an undersized lot.

P. Herr looks at the plan and asks if they are proposing that the road go that way.

J. Donovan would if it needed to be.

GG states that he would never approve this. It is the same as having 50' less.

P. Herr states they have the minimum length for a cul-de-sac. It is clear this is not a genuine subdivision. This is an effort to reverse the decision of the ZBA.

EM asks what the total frontage is.

J. Donovan responds it is 200'.

EM does not think that this sounds like an off the wall variance request to just vary it 25'. He does not think it was drawn like



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

this when it went there. They could make one legit. It is 50' short. He asks why this does not qualify for a backlot.

P. Herr responds that there is not enough area.

B. Lord notes that it probably has the same frontage as everything else in the area.

J. Donovan states that a lot of the houses have under 125'.

P. Herr has no problem with dividing 2 lots but not this way.

J. Donovan notes that this is just a concept.

EM asks what the square footage requirement is.

J. Donovan responds that it is 20,000 square feet.

B. Lord states that the frontage is 125'.

J. Donovan points out that they would actually have more if the circle was taken out.

EM asks what is behind the lot.

J. Donovan responds that there are houses and another street. The land has a good perc rate. He had it perced two years ago. It is over 10' higher than the water line. He brings out a smaller plan and explains that this is another way they were thinking about doing this with a cul-de-sac and a road going in.

P. Herr states that one could argue that the public would benefit from this one. They would have two houses using a single egress. It would not be built as a street, but it would be built as a driveway. It would wind up being one driveway as if it were never divided.

GG states that part of the stipulation would be that it could never be a right of way.

P. Herr indicates that is correct. In Blackstone a guy came in and did something like this. He had a lot of land. He stipulated that it would remain two lots forever. Now he wants three lots. The Planning Board said no so now they are in court.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

J. Donovan notes that this could not get bigger.

P. Herr believes that they have a better shot with the second plan. He can not see how the Board could refuse it assuming that the numbers are there and provided that he wanted to put in the sidewalks, drainage and other requirements. The reality question is whether or not the Board would waive doing some of those things for two lots which is essentially a one lot subdivision.

EM notes that without the waivers it would cost the developer a fortune to do everything.

GG thinks that the Board would be setting a precedent for the number of lots.

JM joins the discussion at 8:03 p.m.

GG states that if the developer wanted to make the road improvements, that would be fine. Otherwise, he does not know whether or not it would be approved.

EM indicates that he certainly can apply, but the Board does not know what the outcome would be.

P. Herr points out that a conforming subdivision certainly would be approved but there is no obligation on the part of the Board to grant the waivers.

J. Donovan asks where he can find the road requirements.

P. Herr responds that they are listed in the Subdivision Rules and Regulations for the Town of Bellingham which are available at the Town Clerk's office.

J. Donovan asks if it would be possible to waive some of the requirements.

EM notes that yes, the Board usually only requires a sidewalk on one side instead of two.

GG points out that the Fire Chief would want a fire hydrant at the end of the cul-de-sac with a 12" main.

EM states that they would have to have catch basins as well.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

DISCUSSION WITH BUILDING INSPECTOR AND P. HERR RE: POSSIBLE ZONING BYLAW CHANGES FOR PORTABLE SIGNS, ZONING TECHNICAL ISSUES, MAPLE STREET REZONING

P. Herr notes that the real purpose of this discussion is to obtain John Emidy's views on the things which have been proposed.

J. Emidy likes the idea of portable temporary signs. He has a question relative to 6 months within the life of the building within a calendar year. He questions when the 6 months would be commencing from.

P. Herr explains that it means that the sign will be removed or changed within 6 months.

J. Emidy asks what will be changed.

P. Herr states that the letters would be changed. If they leave it alone for more than 6 months with the same lettering and same location it can not be a temporary sign.

J. Emidy notes that some stores have hamburg on sale one week and chicken the next.

P. Herr states that those are tempoary signs. They satisfy the rules of a tempoary sign rather than a permanent sign. The 6 months is an arbitrary number. They could make it more or less.

John Emidy states that whoever has portable signs now would be grandfathered in.

P. Herr notes that is not the case if the sign is illegal now. He thinks that many of the portable signs are temporary signs and are illegal. The ones that are now legal would be grandfathered in. He refers to page 21 of the Zoning Bylaw under Section 3120, Permitted Temporary Signs in All Districts.

J. Emidy states that there is no time limit now except for permanent signs. He refers to Section 3144 which states that all signs can not be more than 3 square feet per square footage of the lot frontage.

P. Herr indicates that the Town's rules for tempoary signs are permissive now. He states that Section 3121 on page 21 refers to



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

temporary signs. Sections 3211 to 3126 are not limited by the 3 square foot per square feet of the lot frontage. That refers to the limitations on permanent signs. One could have a 20' sign dealing with construction.

J. Emidy would go with Section 3144.

EN states that otherwise someone would have 3 or 4 signs on the same piece of property.

P. Herr refers to someone having a for sale sign on their property.

EM states that there are exceptions.

P. Herr notes that is what Sections 3122 to 3126 are for. John Emidy is reading it another way. If there is an ambiguity they should clear it up. Under Section 3140 deals with permanent signs. The Town's sign law in general is too loose. It is unfair to say that because someone used up their sign space, they can not put up a for sale sign.

EM refers to Franklin Village where they have signs on the back of the buildings facing the highway. The theatre lists the movies on the back of the building. He is wondering about Wal Mart and what they will fall under.

P. Herr states that the signs can cover 20% of every wall of the building.

J. Emidy asks if the 3 square feet of lot frontage applies.

P. Herr responds that yes it would constrain them. Stallbrook's is limited. They will have a freestanding sign on the side of the road and they can put one on the building.

EM notes that Franklin Village's sign is a good looking sign. There is nothing wrong with it. They are trying to limit junky signs.

JM believes that the Board is doing the same thing which they have done before. They are creating or changing Zoning Bylaws because of one person who circumvented the law.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

EM does not want to hurt WalMart.

JM thinks they can trust WalMart to do the right thing.

P. Herr states that nothing which they are doing now will effect them, not only because they are grandfathered but also because this deals with portable signs. He notes that Bruce Lord said if they treat temporary signs different than permanent signs, they will need to have a basis of rationale.

A Board Member asks how can they have permanent signs without restrictions, but temporary signs with clear vision above grade.

P. Herr states that is true. They want to make sure that people do not put up ugly temporary signs near the road if they can not put them up high. They will have clear vision to 6' above grade. That will apply to all signs not just temporary signs.

J. Emidy does not like cigarette signs and banners. They are an eyesore.

EM asks if the police can make a business owner move a sign if it is blocking vision.

P. Herr thinks they can suggest that it be moved, but they have no authority. They will get that with this Bylaw for permanent and temporary signs.

J. Emidy asks about the maximum amount of time a temporary sign is allowed. He asks about a lit arrow on a sign.

P. Herr does not think that sounds like it is allowed. He thinks they will have limits on the total amount. They will have a series of limits for temporary signs. It reads 20 square feet for construction signs. He thinks that cigarette banners are all illegal.

EM asks about a limit on the number of signs a business may have.

P. Herr states that permanent signs are another issue. For permanent signs there is no limit. They can have as many as they want as long as they meet the 3 square feet per lot frontage.

J. Emidy asks about a time limit. 6 months is a long time for



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

temporary signs. They are usually for a particular advertising purpose.

P. Herr indicates that there is actually no limit. A temporary sign is likely to stay up for 6 months. If they do not sell the building, there is nothing which says they have to take it down. It could turn out to be forever and still be temporary.

EM asks about a limit that after 90 days a permanent sign has to be constructed.

P. Herr states that a lot of town's do that. The most common type effected would be real estate actions.

AM asks if they could be excluded.

P. Herr states that yes there is a problem with having banner signs forever like when they are used for rental purposes. He does not think that a sign being there for too long is grounds for taking it down.

JM states that some stores take down cigarette signs and put up new ones.

EM states that garages uses banners and flags. He does not know that this stops that.

P. Herr will show the Board something dealing with a sign limit next time.

DISCUSSION RE: ZONING TECHNICAL ISSUES

Clerk reads letter from Town Counsel, dated December 16, 1991, relative to Zoning Technical Revisions, wherein he states that he has reviewed the proposed Amendments forwarded to his office on December 6, 1991 and found the same to be acceptable as to form. He has an overall concern with the modifications contained in Section 1421, and should like to propose the following, not as a substitute, but as a subject matter for discussion with the Board. His reasons for doing same are based upon the history that we have had with regard to interpretations by parties involved, and whether or not their actions constitute steps which would require the kick-in of development plan approval. He suggests as a substitute, the following: Any additional building



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

or addition containing 1,000 or more gross square feet floor area, or if larger 1,000 increases the existing footprint by 10% or more. Alteration to a parking facility having ten (10) or more spaces, which diminishes existing parking below the requirements of Section 3300 or which requires four (4) or more additional parking spaces. The changes thereafter are acceptable. He is unsure of the Board's exact intent, and would suggest that if the Board does not want to be bothered by some modifications that are smaller in number, then perhaps they could achieve the goal by substituting the four (4) or more spaces to a larger number. He would be pleased to confer with the Board with regard to these suggestions.

P. Herr states there is an alternative way to get at what Attorney Ambler wants. He would like to discuss it with him. It is critical because he is suggesting a substantive substitution. Making a change to the parking lot of reducing or adding four or more spaces is subject to Development Plan Review. If it still complies with zoning, they would just be shuffling the parking spaces.

EM notes that is true unless they disturb the side of the road.

P. Herr states that the Board would not look at it. The Building Inspector would be the one to review it.

EN asks about changing the use of a building.

EM states that if one has not changed the size of the building, they can still do it.

J. Emidy states that is unless changing the use requires more parking spaces.

EM asks if it would be caught at the Building Inspector's end.

J. Emidy responds that it would be.

EN states that a lot of changes depend on a business in a particular part of a plaza.

J. Emidy would like to keep one thing the same in the proposed Zoning Bylaw. They propose changing the 500 square feet to 1,000. He would like to keep it at 1,000. He thinks that over



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

500 square feet would require Development Plan Review. They still have to give him a site plan to comply with the building code.

EM notes that if one has to come before the Board the plans have to be done by an engineer.

J. Emidy states that it could be a professional architect.

P. Herr does not think that changing from 500 to 1,000 square feet is crucial.

EM states that before it was changed previously, it was a judgment call on the part of the Building Inspector.

J. Emidy notes that in other towns a proposed two family dwelling would have to go before the Planning Board. The Town of Grafton has that. He would like to keep it the same.

P. Herr thinks that 500 square feet is awful small for someone to have to come to the Planning Board for Development Plan Review. It is like a two car garage.

J. Emidy would like to keep it the same size and have it sent to the Planning Board for review. He refers to Section 1422(b) which lists the distribution list for Development Plan Review. He would like to be added to the list.

P. Herr had presumed that he would get the information for review along with everyone else. He will add the Building Inspector to the list.

J. Emidy notes that he no longer sees the site plans which are submitted. They go right to the Town Engineer. He refers to Sections 3330 and 3331 parking design surfacing. The last time he was in Court relative to the Dmytryck on Farm Street, he lost because the Bylaw does not say that the driveway had to be paved. All required parking areas and driveways should be surfaced and paved.

EM thinks it is a judgment call on the part of the Building Inspector. He does not think they should have to pave a contractor's yard because it will bust up.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

P. Herr notes that there is an exemption but that is up to the Planning Board. There are cases when it does not make sense to pave and the Planning Board will waive pavement.

J. Emidy refers to Section 4110 relative to Home Occupations. There are a couple of definitions which are unclear relative to machine shop. He is unsure about the type of machinery and metals allowed. He also refers to Section 4112 which lists the home occupations which are permitted without the necessity of a Special Permit. He refers to beauty shops where chemicals are used and traffic is created.

P. Herr notes that has been a problem.

J. Emidy has had a couple of other instances which have been questionable.

EM states that there is a noise control law which should take care of some of these problems.

J. Emidy does not have measuring devices. The Town does not have a meter monitor which costs about \$10,000.

P. Herr states that the Home Occupation Section was authored by Ben Byron in 1961. It does not make sense to list certain ones.

J. Emidy is interested in the kind of machines which can be used.

P. Herr believes it is a cumbersome and impossible task to take on. He refers to Section 4111(d) which states that no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced. If they reopen the list, they will reopen all the questions like whether or not people want to have a beauty parlor next to them.

J. Emidy states that there was a guy who was calling elderly people from his home trying to solicit business. He sent him to the ZBA.

P. Herr states that was the right thing to do. As to what may be allowed for a specific attribute, that has to go for a special permit from the ZBA.

J. Emidy points out that a veterinarian has to go before the ZBA



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

but if he was a doctor he would not have to go.

B. Lord states that any home occupation requires a permit.

EM states they have to be registered with the Town Clerk.

J. Emidy states that Town Counsel told him the Town is putting itself up for liability if they give a permit for something which is an allowed home occupation.

P. Herr states that expecting people to go through with getting a permit is not necessary.

EM indicates that some of the home occupations have to be regulated and some do not.

P. Herr brings up an instance where one could do wholesale auto sales all on the phone from home.

EM knows someone who does that. No one ever goes to his house. They have to be registered with the town. He had to get a plate and a home occupancy permit. The Registry said he had to have a sign and a surface facility.

J. Emidy had someone come to him with a massage business. The masseuse brought people home to massage them. The person argued that it is medicine related and she was licensed by the Dept. of Health.

EM notes that the problem with someone operating a barbershop or masseuse from home is that people are in and out disturbing traffic in the neighborhood. They are providing a service.

J. Emidy does not think that it is medicine related. He refers to Section 4113 which states that other home occupations which have similar attributes may be allowed on Special Permit from the Board of Appeals. A lot of time the ZBA does not approve them because they can not fit them into the categories. He had a second instance recently with a psychologist. He would group it with medicine related but it is not similar.

P. Herr suggests that be sent to the ZBA.

J. Emidy states the problem is they are looking for attributes



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

which will look for something in the same category rather than looking at each one individually.

EM suggests they add a line which states as approved by the ZBA.

J. Emidy thinks that if it is too broad, it would almost be like one is entitled to it.

EM thinks that maybe they should leave well enough alone.

P. Herr will look at it and in particular the issue relative to similar attributes.

J. Emidy refers to an accessory structure, a small shed of 48 square feet. Article V defines yard. He reads the definition from page 56 which states that a Yard is an area open to the sky, located between a street or other property line and any structure or element thereof other than a fence, wall, tool shed or similar accessory structure having not more than 48 square feet plan area, other customary yard accessory, or a projection allowed to encroach on building lines by the State Building Code, and free of any storage of materials or manufactured products. He has sent a lot of people with irregular shaped lots to the ZBA. Some of them want to put their sheds 20' away from the septic and their lots are too small.

EM states that it can be changed to state right to the lot line.

J. Emidy indicates that the maximum size for a shed is still 48 square feet.

B. Lord notes that the problem is that the neighbor may not want the shed next to his house.

EN states that most of the sheds are portable structures anyway.

J. Emidy points out that the Board of Health will not allow them to put the shed within 20' of the septic. He does not think it should be on top of the septic but it could be 5' to the rear or on the side.

EM states that the reason why they do not want it to be right to the lot line instead of 5' from it is because of neighborhoods like Wethersfield where residents would use the 5' to put junk



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

behind the shed. The resident would not see the junk but his neighbor behind him would see it. He does not know if they should make it bigger.

J. Emidy thinks they could go with an 8' x 12' shed.

GG points out that there is an 8' x 12' shed on Silver Avenue in a front yard. It is an eyesore when he pulls down the street.

EM states that most of the sheds are metal and temporary.

GG thinks that if they give a guy the option of putting up an 8' x 12' shed, they will do it. At least now the neighbors are notified because they have to go to the ZBA to apply for a larger shed. It gives the neighbors the opportunity to voice their complaints.

B. Lord notes that sheds are attractive to animals.

GG believes that an 8' x 6' is small, an 8' x 8' is fine, but he does not want to see an 8' x 12'.

J. Emidy states that there can only be one shed on a property.

GG states that the guy on Silver Avenue drives his motorcycle into his shed on a ramp.

JM does not think that 12' x 8' is that large.

B. Lord thinks that the neighbors should be consulted for anything larger than 6' x 8'.

GG makes a motion to increase the shed requirement to 8' x 10'.

JM has a 12' x 8' shed.

J. Emidy states that now it is 5' from the side or rear. He thinks it should state that one shed is allowed next to the lot line.

GG notes that in Woonsocket the sheds are back to front or back to the sideyard. It keeps visibility in the front yard perfect.

B. Lord asks why they do not say that the sheds on the allowed at



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

the property line with the exception of the front lot line. It is normal to have it situated back from the front line.

P. Herr notes that GG made a motion to increase the shed requirement to 8' x 10' to the lot line which would apply to the rear and sideyard and not the front.

EM seconds motion. Unanimous vote of 5 to increase the requirement.

P. Herr will draft a bylaw noting that change.

J. Emidy refers to a response which he received from Town Counsel relative to a question which he had regarding a kennel in town.

Clerk reads Attorney Ambler's letter, dated December 20, 1991, wherein he states that he suggest the following be proposed to the Planning Board for purposes of a modification of the Zoning Bylaws for the Town of Bellingham. All in Article V. Definitions. Substitute the word "premises" for the word "lot" relative to Animal Kennel or Hospital so that the same will read as follows: "Lot used for the harboring and/or care of more than three (3) dogs or other domestic non-farm animals three (3) months old or over. Use shall be so classified regardless of the purpose for which the animals are maintained, or whether fees are charged or not". Amend Article V. Definitions "Lot" by deleting "in one ownership" so that the same reads Lot. An area of land with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose".

P. Herr questions the lot.

J. Emidy responds that there was a two family on one lot which allowed 6 dogs.

P. Herr asks Clerk to give him a copy of Town Counsel's letter so he can review it.

INFORMAL DISCUSSION WITH BRUCE LORD, ESQ. RE: WONG PROPERTY, HARTFORD AVENUE

B. Lord explains that this is the former Stony Ridge Condominium development which has been purchased by a new owner, Alexander



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

Development. They would like to develop as single family homes because there is no condo market right now. Under the subdivision regulations, they are required to have two entrances. The question is whether or not the Board will require two entrances. They can do the same development with one entrance which they can build right across from the entrance for Fafard's Shoppes at City Lights.

JM questions the number of units.

B. Lord responds they are proposing 37 homes. With two entrances, they are in line with zoning. For traffic purposes it would be better to have one entrance.

AM questions the number of condos which were approved.

EM responds they had 49 condos plus 8 duplexes.

P. Herr explains that the reason for two egresses is what would happen if they only had one and it was blocked.

EM notes that Elm Estates has only one egress because it was safer than two.

GG suggests they have a grass strip in the middle to divide the road for incoming and outgoing traffic.

P. Herr asks if they looked at the question of having an emergency egress out.

B. Lord does not really think they can do that because it is all built up.

P. Herr asks about Hartford Avenue.

B. Lord explains that this is still a concept plan. They think it makes sense to have one egress. It would save them a lot of engineering if they knew right away if the Board thought they should have one or two egresses.

P. Herr states that one entrance rather than two is better for traffic but the Board could limit the number of lots which can be developed consistent with the rule.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

GG states that an in and out drive would at least give them 12' on the other side.

P. Herr states there are two issues regarding blockage. The Water Dept. does not like deadends. They like to see water loops. They prefer one entrance instead of two.

GG thinks they should go with one egress.

P. Herr states that at S. Main Hilltop there is room to put in more lots.

B. Lord indicates they did not have enough frontage to put two roads in. They want to ensure the entrance one way or another.

GG notes that the plan does not show the intersection of 126/Hartford Avenue.

B. Lord thinks that for safety reasons it would be easier to have one egress. They will not have driveways backing out to Hartford Avenue.

Don Nielson, engineer, states that the land in back is all well draining gravel. A botanist went out to try and find some wetlands but could not.

AM asks how they can have water but no wetlands.

EN is concerned about the traffic.

B. Lord states that this plan is better than Stony Ridge. They are planning to match up with Fafard's entrance to be more consistent with the traffic. Ideally, he thinks that this should be commercial property, but the Town thinks otherwise.

EM notes that the neighbors wanted to rezone. They could go affordable but are not.

P. Herr states that this will be a long road with double lots similar to Flagg Drive.

GENERAL DISCUSSION

Clerk reads letter from Denis Fraine, dated December 20, 1991



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

wherein he states that the Selectmen request that the Planning Board review the possibility of adopting a Bylaw which provides for the fencing in of retention ponds prior to the conveyance of easement to the Town for all future projects. The Selectmen have had several complaints from residents with regard to safety hazards these ponds present when children reside nearby.

P. Herr states that is something which can be put in the subdivision regulations.

EM asks why the Board can not do away with retention ponds and not allow them at all.

P. Herr states that they can if they want to take on the Conservation Commission to let people screw up the wetlands. They would end up having to build galleys underground.

GG states that there is a negative factor to fencing in. It becomes more appealing and intriguing to children. If two kids go over the fence and one is drowning, the second kid may not be able to get out to get help.

AM thinks that fences are an eyesore.

GG does not believe that the Selectmen are thinking about the negative factors. The other questions involve what type of fence they would have: chainlink or wood.

P. Herr thinks they could schedule an event to discuss storm water management, detention facilities and alternatives. They could invite the Selectmen, Town Engineer, Town Counsel, Conservation Commission and engineers who commonly practice in the Town to try to come up with a solution.

EM directs P. Herr to prepare for this meeting and coordinate with D. Fraine and Clerk to schedule.

WATER RESOURCE DISTRICT DISCUSSION BYLAW CHANGE

Clerk notes that the Water/Sewer Commission requested that some changes be made to the Water/Sewer District Bylaw. They presented suggested amendments to the Board of Selectmen back in June 1991 and the Selectmen forwarded them to the Planning Board.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

P. Herr recalls that the Conservation Commission also requested changes relative to earth removal for 10' of ground water.

EM thinks that this discussion should take place at the same time that the Board discusses retention ponds with the various Boards.

P. Herr states that they can do that. He felt that the proposal from the Conservation Commission was so severe that it would be unreasonable for the Town. He suggests that the Planning Board send a letter to the Conservation Commission with a copy of the Water/Sewer Commission suggested amendments and ask them if they have any revisions which they would like to add to do so in writing.

MAPLE STREET REZONING DISCUSSION

B. Lord suggests the Board put an article on for the Town Meeting to abandon Oak Street.

EM notes that the Finance Committee never gets a copy of P. Herr's cover sheet relative to Bylaw Changes.

B. Lord states that the Planning Board can provide them with a copy when the member appears before them for the Town Meeting Articles.

P. Herr will pull all the information together and give it to Clerk so she can get it to the Board of Selectmen to put on the warrant.

Clerk to find out when warrant opens and closes and notify P. Herr.

BUDGET DISCUSSION

AM notes that because of the cutbacks and as a voluntary measure, she is offering to bring her stipend down to \$10.00. She is also volunteering to pay 50/50 on her medical coverage. She intends to do this regardless of what everyone else does.

EM points out that at the All Boards Meeting last week, the Board of Selectmen said that they are decreasing their stipend by 20%.

GG has no problem with getting rid of the stipend.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

B. Lord believes that it is inevitable that the stipend and health insurance will be taken off at the Town Meeting.

EN notes that if they take away the stipend, they will take away the insurance.

AM offered to give up her insurance last year and was told not to do it.

B. Lord states that the stipends are costing the Town \$15,000 to \$20,000, but the insurance is costing \$100,000 to \$150,000. It is only a gesture when the elected officials say to get rid of the stipend but keep the insurance. Putting the insurance in front would get people their jobs back.

AM thinks it would help if everyone were to follow suit. Gerry Daigle, Willie Arcand and others are going to loose their jobs.

JM thinks that this Town is living fat compared to other towns.

B. Lord explains that the Highway Dept. has grown 19% in the last 10 years. The police have grown 43% and the Fire Dept. 53%, but the entire Town has grown by 100%. That is not commensurate with the growth and the tax base because of proposition 2 1/2. Even the School Dept. has only grown 43%.

AM wanted to give up her health insurance last year, but she was called and told not to be a hero.

EM states that if someone runs against AM, they will use that against her.

AM thinks that someone who runs against her will have to say they will do the same thing.

B. Lord states that using free cash for projects really stripped the town because of the spending which the town did in the 1980's.

AM thinks that the issue here is that someone has to start the ball rolling.

EN thinks that the Selectmen started with 20%.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

B. Lord points out that the workload has been reduced considerably. If the Town does away with the stipends, they will do away with the insurance.

EM states that they have the option to say they will keep the stipend but do away with the insurance.

Clerk notes that the Town Accountant stated that the Board's consultant position has to be put out to bid this spring. Clerk asks if the Board wants to send a letter to Town Counsel asking his advice on that.

EM talked with Town Counsel already and he agrees that P. Herr's consulting is not subject to bid because it comes under special services. It is considered a professional services which the Board can appoint.

P. Herr states that the area is very blurry. He argues that it should not go out to bid but some towns do put it up for bid.

EM directs Clerk to send a letter to Town Counsel asking him if the position has to be put out to bid. Just because someone is the low bidder does not mean they have to take them.

AM directs Clerk to send a letter to the Board of Selectmen indicating that she is volunteering to pay half of her health insurance in the hopes of setting a precedent and the possibility of saving some jobs.

Clerk reviews budget with members. Expenses have been reduced by \$2,574.00 to \$12,726 from \$15,300 for last year. Clerk explains that the expenses listed on the line item budget are not allocated to the proper items. Clerk brought this to D. Fraine's attention last year and he said not to worry about it because all of the expenses are lumped together and come out of the same place.

B. Lord thinks it would be better to list the expenses in the proper items since they reflect a true allocation of where the Planning Board's expenses lie.

Board Members agree and instruct Clerk to list the proper expenses.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

Clerk notes that much of the advertisement expense is not used for advertising since the Board only has to pay for advertising for Bylaw Amendments. The fee for the Zoning ByLaw and Subdivision Rules and Regulations books which are sold by the Town Clerk are included in this expense. In addition, because of the across the board decrease last year, the Consultant's fee looks like it was decreased when in fact it was not. The remainder of the \$10,000 was coming from another place under the line item budget expenses. Clerk will correct the budget to reflect the proper expenses.

GENERAL DISCUSSION

P. Herr received a phone call from Ben Byron asking him why they needed a comprehensive permit for the housing authority development. He wanted to engage P. Herr to research the Bylaw and figure out how the proposal did not need a permit. He told Mr. Byron to send the issue to the Planning Board and have the Planning Board review it.

P. Herr reviewed the plans regarding Herthal Estates, Fourth Avenue relative to changing the grade. The Board approved the grade of the road. They are now asking if it necessitates a public hearing. He believes that the change is for the better, but they have to go through the public hearing process.

P. Herr reviewed the 81-P plan submitted by Mark DiCristoforo. The question was whether or not they met the lot shape factor. It is reasonable for the Board to require the applicant's engineer to show what it is.

EM asks if P. Herr figured it out in this case.

P. Herr did figure it out, but in the future the Board can require the engineer to put in a block certifying that he checked all the lots and they meet the lot shape factor.

P. Herr recalls that they discussed traffic problems at the last meeting, specifically for alternative routes for North Street and Maple Street. He distributes a map which he prepared. N goes through Brook Estates. O does not exist.

EM asks about the new road at Mendon Street.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

P. Herr states it was never really real.

Clerk notifies Board members that NECC was sent a letter to come to the February 27, 1992 meeting to discuss the work which they have not completed in the Amendment No. 1 to the covenant as well as whether or not the Amendment was ever really recorded.

B. Lord notes that they have filed for Chapter 7.

Clerk states that Jackie, Administrative Asst. to the Board of Selectmen forwarded a letter and plans from Bruce Lord, dated January 2, 1992 requesting acceptance of Florence Street and Dorothy Avenue in the Silver Heights Development.

Clerk reads letter from the Highway Dept., Gerard L. Daigle, Highway Superintendent, dated November 14, 1991, stating that they have inspected the roadways known as Florence Street and Dorothy Avenue in the Silver Heights section of the Town of Bellingham, and said road meets and satisfies all Planning Board prerequisites in compliance for street acceptance by the Board and by the Bellingham Town Meeting. The Highway Dept. has no objection to having the Town accept Florence Street and Dorothy Avenue as being town ways.

EM makes a motion to recommend acceptance of Florence Street and Dorothy Avenue. JM seconds motion. Unanimous vote of 4. GG abstains since he lives in the development and has done work for the developer.

Clerk reads letter from Daniel Varin, Associate Director, Division of Planning, Providence, RI, relative to the state review process for local comprehensive plans. Comments are being solicited from communities contiguous to Cumberland including Bellingham for their local comprehensive plan.

Clerk is instructed to ask for a copy of the Cumberland plan and forward it to P. Herr for his review.

EN makes a motion to accept the minutes of December 12, 1991. GG seconds motion. Unanimous vote of 5.

EN makes a motion to adjourn at 10:55 p.m. GG seconds motion. Unanimous vote of 5.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JANUARY 23, 1992

Anne M. Morse
Anne M. Morse, Chairman

John P. Murray, Vice Chairman

Emile W. Niedzwiadek
Emile W. Niedzwiadek

Glenn E. Gerrior
Glenn E. Gerrior

Edward T. Moore
Edward T. Moore