



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

FEBRUARY 13, 1992

Meeting was called to order at 7:40 p.m. Vice Chairman JM acted as Chairman in AM's absence. AM is recovering from lung surgery. EM, EN and GG were also present.

LETOURNEAU BACK LOT SPECIAL PERMIT DISCUSSION RE: UNDERGROUND UTILITIES

Brad Letourneau is here regarding his special permit for a backlot subdivision off Shirley Road. He has started building. He called the power company who told him it would be a number of weeks before he could get underground utilities in. In the special permit decision, it says that water and power lines had to go underground per the Water/Sewer Dept.

JM reads letter from Donald F. DiMartino, Superintendent, Water/Sewer Department, dated February 10, 1992, stating that Mr. Letourneau dropped off a copy of the Planning Board decision, dated June 23, 1988, which states, "that water and power lines be installed in the road/driveway underground per request of the Water & Sewer Department." The Department does want the water line installed in or along the side of the road/driveway, but they have no jurisdiction over the power lines. His letter was to inform the Board that they have no control or reason to require the power lines to this lot be brought in underground.

B. Letourneau states that the Building Inspector told him he had to comply with the special permit decision.

EM has no problem with waiving overhead wiring.

Clerk explains that she phoned Town Counsel relative to this question and he stated that he felt that since the Board frequently waives underground utilities, there was no reason why they could not waive it after the fact in this case. However, he did not realize that underground utilities were specifically called for in the special permit decision.

EM thinks the Board could waive the underground utilities with a



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

FEBRUARY 13, 1992

letter. They will worry about it later if someone takes it to court.

JM asks what is in the rest of the neighborhood.

B. Letourneau notes that everything in the neighborhood is overhead.

EM makes a motion to waive underground utilities. He points out that Wethersfield has overhead utilities.

GG seconds motion. Unanimous vote of 4 (JM, EM, GG and EN).

JM instructs Clerk to prepare a letter to be filed with the Town Clerk to go along with the special permit decision. A copy of the letter should be given to the Building Inspector.

JM asks how many poles they have to put in.

B. Letourneau states that they will have 2 to 3 and maybe 4 poles.

JM asks if there is a charge to string the wiring.

B. Letourneau responds that yes there is. The first two poles for New England Telephone are free. The charge is \$450 to \$500 per pole after that. Boston Edison gives one pole free and they have to be payed for wiring after that.

GG thinks that this condition of underground utilities was placed in the special permit decision because the neighbors did not want to look at the wires. He recalls one of the neighbors, the Meehan's complaining.

B. Letourneau points out where he wants to put a pole in on the plan.

JM asks him to point out where the Meehan's property is and which side of the street it is on.

EN thinks that the Board should check the minutes pertaining to this public hearing before going ahead and approving the overhead wiring. There was a reason why the Board put a condition of underground utilities in the special permit decision.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

FEBRUARY 13, 1992

EM asks what piece of land the poles will go on.

B. Letourneau points it out on the plan. At one point in time, they were going to grant some land.

EM states that the poles can be put on the north side of the driveway.

B. Letourneau wants to be able to put them on the other side of the street.

GG thinks they should withdraw the vote.

EM states that they will cancel the vote until they check the minutes.

JM indicates that the Board will check the minutes to avoid trouble for everyone involved.

B. Letourneau reiterates that all utilities are overhead on the street.

EM makes a motion to rescind the vote to allow overhead utilities instead of underground utilities until Clerk checks the minutes of the public hearing for the backlot special permit. GG seconds motion. Unanimous vote of 4 (JM, EM, GG and EN).

GG states that the Board will check the minutes to find out if there was a reason why the condition for underground utilities was put in.

B. Letourneau explains that originally he came in for a 5 lot approval, but B. Lord pointed out that the land was in a flood district. It was not worth it for him to take down a house so he ended up with 3 lots. There was some problem with the neighbors who appealed the decision. Now he only has one lot.

GG instructs Clerk to put Mr. Letourneau on the agenda under general business at 7:30 p.m. for the next meeting on February 27, 1992.

EM states that if there is nothing in the minutes, then there is no problem with the waiver. They should find out whose motion it was to approve the special permit with that condition and why the



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

FEBRUARY 13, 1992

part regarding underground utilities was included.

JM notes that in Canada the utilities are put overhead in the backyards.

EM states that underground utilities leads to problems unless it is designed ahead of time. He questions the number of poles which Mr. Letourneau will have to put in.

B. Letourneau states that there will be 4. He will bring one in on the property. He will pay for one, but thinks he will need 3 more. The phone company gives two for free. The electric company pays for half of two.

EM states that they could dig the poles by hand.

B. Letourneau notes that he still has to put in water and gas.

GG notes that they have to go down 30" for underground utilities. They have to put sand on the base and at the top - 4" for electric and 2" for cable and telephone. He did all of that for some property that he owned and then sold the property. He decided to go underground at the time because the utility companies wanted \$1,000 per pole and he needed 8. It was less expensive to go underground.

B. Letourneau states that underground utilities is labor intensive. They need an operator and one person in the hole.

GG states that they would have to put in a transformer after 500', 1250' off the road.

EM states that was close to Menfi's Shopping Center.

EN notes that Mr. Menfi got angry because the bank would not give him the money to finish the work. It was not his fault.

GG thinks that it is cheaper to go underground. He can not see why Mr. Letourneau would have to wait 20 weeks. He approached an electric contractor who took care of everything for him. He never dealt with the electric company himself. They gave him the transformer for nothing. If this is because of a cost factor, it is cheaper to go underground. Once the trench is dug, the telephone cable is laid on top.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

FEBRUARY 13, 1992

B. Letourneau states that he still has to put in the water and gas. He thinks they have to be 4' apart but he will look into it more closely.

GENERAL DISCUSSION

Clerk explains that at Town Counsel's advice a letter was sent to the President of New England Country Club relative to the Amendment No. 1 to the Covenant which may not have been recorded. They were asked to come to the Planning Board meeting of February 27, 1992 at 8:00 p.m. to discuss this issue and the fact that the work was never completed relative to the foundations. No response has been received. Town Counsel advised Clerk that the letter should have been sent certified mail. He further advised that the address for developer should be verified with the Town Collector and that a second letter should be sent to developer certified mail.

JM states that the work relative to the foundations should have been completed by October 1991. The developer should be prepared to address this issue.

Clerk notes that Jackie, the Board of Selectmen's Administrative Asst., advised that the warrant for the May Annual Town Meeting will close on March 1, 1992. A letter has been forwarded to P. Herr advising him that the articles have to be completed so they can be presented to the Board of Selectmen for the warrant.

BUDGET DISCUSSION

Clerk reads letter from Denis Fraine, dated January 23, 1992, regarding expenses, stating that the Selectmen have limited expense spending for departments within their jurisdiction to essential spending only. The Selectmen are requesting all elected Boards and officials to adopt a similar stand, limiting spending to essential items regardless of account balances which may remain.

Clerk reads another letter from Denis Fraine, dated January 23, 1992, regarding expense appropriations, stating that the Board of Selectmen are requiring all departments, which fall under their jurisdiction, to present a weekly list of projected expenses. No expenditures or commitments should be made without prior approval from the Board of Selectmen.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

FEBRUARY 13, 1992

Clerk reads February 11, 1992 letter from Board of Selectmen Chairman Elizabeth Lowry, regarding the FY93 Budget. The Selectmen are recommending to the Finance Committee the following for the Planning Board budget: Elected Salaries \$5,000, Salaries \$5,257 and Expenses \$11,300.

GG thinks that the issue relative to the stipend should be a consensus of the Board members.

JM thinks they could take a decent cut.

EM states that no one thought they would have to give up their salary.

JM asks about the teacher salaries.

EN notes that they got a raise as part of a 3 year contract.

EM states that the teachers did not ask for a raise. The School Committee gave it to them.

JM thinks that the Board could cut their salary by 30%.

EM would like a copy of the Annual Report so the members can have it at the FINCOM meeting with the budget. The Board does bring in funds.

GG makes a motion to cut the Board members stipend by 30%. EM seconds motion. Unanimous vote of 4 (JM, EM, GG and EN).

EM thinks they should make a motion for the Board to support the motion presented by Bill Bissonette to pay for 50% of the health insurance.

JM states that the majority of the Board voted to decrease the stipend by 30% to \$700/year/each.

EM asks Clerk to find out how much is spent for Zoning Bylaw, Maps and Subdivision Rules and Regulations books which are sold by the Town Clerk. Clerk should find out how much the Town Clerk collects for these books.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

FEBRUARY 13, 1992

GENERAL DISCUSSION

Clerk reads January 24, 1992 letter from Town Counsel relative to Brook Estates, Master Deed. He reviewed the Master Deed for Bellwood Condominium. His opinion with regard to the right of use is restricted to the documentation which was provided by the Board and does not include whatever restrictions the Planning Board may have put upon the Permit as to either Brook Estates or Bellwood Condominium. The Master Deed on the bottom of page 3 does specifically authorize Davna Corporation or its successors to use Bellwood Circle for all purposes for which streets and ways are used in the Town of Bellingham including utility lines for the benefit of land abutting and situated westerly of this land. He assumes this land to be called Brook Estates. He states that the Board must review the content of the plans to be sure that the intention of the Planning Board and the granting of the two approvals was such that the primary road contemplated the additional use of the new project, and that there were no restrictions in the Permit to prevent same, and further that the plan for the Brook Estates contemplated this access.

EM instructs Clerk to send a copy of that letter to P. Herr asking him to review the plans relative to Town Counsel's question.

Clerk reads February 5, 1992 letter from Denis Fraine, relative to a water supply protection project enclosing correspondence from MAPC relative to a water supply protection project which will involve nine communities in our region. This project could potentially have a significant impact on future planning in our community. The Selectmen are seeking Board members who may have an interest in this study. Names of any interested individuals should be submitted.

Members sign invoice for stamps and P.O. Box fee and Clerk's pay voucher.

During AM's absence all correspondence should be under JM's signature as Vice Chairman.

GG makes a motion to adjourn the meeting at 9:22 p.m. EN seconds motion. Unanimous vote of 4 to adjourn (JM, EM, GG and EN).



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

FEBRUARY 13, 1992

Anne M. Morse, Chairman



John P. Murray, Vice Chairman



Emile W. Niedzwiedek



Glenn E. Gerrior



Edward T. Moore