



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

MARCH 26, 1992

Meeting was called to order at 7:56 p.m. Vice Chairman JM acted as Chairman in AM's absence. EM, and GG were also present. EN and AM were absent due to illness. The Board's consultant, Philip B. Herr was also present.

JM calls for submissions from the floor.

B. Lord has a Development Plan for review by the Board for a lot in the Ames parking lot. There is one problem because the Town Engineer is working on the Depot Street bridge full time so the town essentially has no Town Engineer. He took the plans himself and distributed them. He will present a signed sheet to the Board noting that the plans were received. He is requesting time on the agenda for the discussion.

JM asks what they are doing.

B. Lord responds that they are putting in a Dunkin Donuts.

JM asks if the plan shows adequate parking for the entire site. When CVS was built they did not come in for a site plan review.

B. Lord notes that this is a separate lot. It is the small lot on the side. There are 3 separate owners and separate entities who own each of the lots.

JM asks who owns the lots.

B. Lord responds that they are owned by Wasserman Brothers and Wasserman and Company; 3 separate entities. Part of the parking is in the main lot.

P. Herr states that none of the drawings show the lot.

B. Lord points the lot line out on the plan. He will have it defined. He was not very happy with the drawings.

P. Herr does not believe this is a big issue.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

Clerk asks if Mr. Lord will be presenting the fee of \$56 now.

B. Lord presents fee.

RIVERVIEW PARK, PHASES I, II and V DEFINITIVE SUBDIVISIONS CONTINUATION OF PUBLIC HEARINGS

JM notes that the Board has letters from Attorney Bruce Lord on behalf of his client Howard Fafard requesting a withdrawal of the definitive plan for Phase I. He reads the letter, dated March 26, 1992 stating that his client Fafard Companies and Ledgemere Condominium Corporation request that they be allowed to withdraw the Definitive Plan for Riverview Park, Phase I without prejudice. His clients no longer have an interest in this property.

JM reads letter from Attorney Lord dated March 26, 1992, requesting an extension of time for action regarding Riverview Park, Phases II and V to August 15, 1992 with a continuance of the public hearing to July 23, 1992.

Thomas Clark from the audience asks JM to read the first letter again.

JM rereads letter of withdrawal relative to Phase I.

EM makes a motion to approve the withdrawal of Phase I without prejudice. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM rereads letter relative to the request for an extension for Phases II and V. He asks the reason for the request.

B. Lord responds that Phase V has a problem because the Town of Bellingham is interested in a well on the Core of Engineer property. It is on the line of the property. No siting was done until the last week and a half. It affects the plan and the road system. They request a continuance for the town to review the question relative to the well. The Water Dept. has an article on the warrant for the May 1992 Town Meeting asking for bonding to develop the well. Phase II parcel on Hartford Avenue is mortgaged to First Boston Bank. They have been one major protagonist in the bankruptcy. Last week a settlement was



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

reached. Until it is accepted by the Court, they are at a stand still.

JM feels that sounds reasonable.

EM makes a motion to continue Riverview Park Phases II and V to July 23, 1992 to 8:00 p.m. with an extension to August 15, 1992. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

12 PUBLIC HEARINGS RE: PROPOSED ZONING BYLAW AMENDMENTS AND REZONING PETITIONS

P. Herr distributes a handout to everyone in the audience with brief descriptions of the proposals.

GG makes a motion to waive the reading of the notice. EM seconds. Unanimous vote of 3 (JM, EM and GG).

JM asks Clerk to read the agenda which lists the 12 proposed articles.

JM will take the articles in order. He reads the description relative to the article for Development Plan Review. He asks if there are questions from the audience.

No one responds.

EM does not think the Board has to go through a discussion because the Bylaw has been changed for small issues. An applicant will have to ask to waive paving the parking but that is not part of this.

P. Herr notes that is a different issue.

EM explains that the Development Plan Review (DPR) was too restrictive in some ways. The Board is trying to find a middle ground.

Clerk notes that the Health Agent forwarded a letter, dated March 25, 1992 stating that the Board of Health needs more time to respond to the Bylaw Amendments and the preliminary plan for Rawsons Farm.

JM states that the proposed amendments were all advertised as one



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

public hearing.

EM notes however, that they are separate articles.

P. Herr explains that each will have separate recommendations at the Town Meeting.

JM reads the description for Lot Clarification Amendment.

P. Herr explains that came from the Building Inspector with a wording change from Town Counsel.

EM points out that there was a problem with a duplex. It is done by lot instead of household.

JM asks if anyone from the audience would like to address this article.

No one responds.

JM reads the description for Yards Modification.

P. Herr explains that this also came from the Building Inspector who questioned the area restricting accessory buildings. He thought it was too strict. Presently it is 48 square feet. It will be increased to 80 square feet. It clarifies that toolsheds can not be put in front yards.

GG notes that it used to be a 6 X 8 shed, now it will be 8 X 10.

JM calls for questions/comments from the Board or audience.

No response.

JM reads the definition for Junkyards. He calls for questions from the Board or audience.

Steve Racicot, Maple Street, requested a Bylaw for no additional new junkyards in town. He asked if the Planning Board could check out the feasibility. He asks if any action has been taken on that issue.

JM notes that the issue was referred to Town Counsel. The Board has not heard back from him yet.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

Thomas Clark asks if the article means that stuff which is stored on someone's yard could be considered a junkyard.

JM responds that is not the reason for the article.

T. Clark states that people will have a problem with their yard being called a junkyard if they have scrap in their yard.

P. Herr responds that yes, that was the intention of the article.

T. Clark thinks it is a bad idea.

P. Herr states that the article notes that one can have all the junk they want in a 200 square foot area.

T. Clark thinks it will allow the Building Inspector to say that someone has too much junk or scrap in their yard and they will get cited.

EM asks how this would apply to a farmer who has machinery which he parks in the back of his yard.

P. Herr explains that right now there is no guidance. There is a problem because there is no definition. That does not mean it is not a junkyard unless the principle use is junkyard.

T. Clark would like to voice his objection to the rule altogether. He believes it will be a problem to a homeowner. The Building Inspector will be able to come by and say that someone has a lot of junk but it is not junk to the guy who has it. He will cite the homeowner.

Robert Hiltz agrees with Mr. Clark.

B. Lord asks how this definition stands in relation to the state definition.

P. Herr responds that there really isn't a state definition. There are a whole series of definitions which are for different purposes. In the Zoning Bylaw there is a category called junkyards in the regulations in use category under Use Regulations Schedule. It is not listed as an accessory use. No use is accessory unless it is occupying less land area. The majority of the lot will be used for residential. A junkyard is



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

not prohibited as an accessory use just as a principle use in a residential district.

B. Lord asks if auto salvage is included in the state definition of junkyards. Can an abandoned car be considered a junkyard?

P. Herr responds that no, but if someone had enough of them and it was the principle use, it would be considered a junkyard.

B. Lord states that the auto salvage would be included in terms of a junkyard.

EM indicates that the question here is that the article does not say cars, it says articles.

P. Herr reiterates that one would not be cited unless it were the principle use of the premises.

T. Clark thinks it would be up to the Building Inspector to determine.

JM asks what happens if someone has 10 scrap washing machines in their yard.

T. Clark states that there are other ways to prevent that other than changing this.

R. Hiltz asks if it is necessary for this article.

P. Herr explains that it is absolutely unclear at the present whether putting one washing machine is unfair to everyone. It is a reasonably bright line. This would not leave it up to the Building Inspector to make a determination. This rule would make it clear.

T. Clark believes that it opens the door for anyone to be cited. He asks if the town needs another rule.

JM explains that this is not a rule. It is a definition.

T. Clark asks if they are having a problem in the town.

JM notes that the Building Inspector must have had a problem because he asked the Board to draw this up.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

P. Herr thinks that the Board should note Mr. Clark's comments.

EM reiterates that the Building Inspector asked for the article.

T. Clark asks who is the sponsor for the article?

P. Herr responds that the Building Inspector asked for the article. The Planning Board is the sponsor.

R. Hiltz asks why.

JM responds that it is because there is no definition now.

R. Hiltz thought a junkyard required a license. This seems very broad and sweeping. A lot of people in town have one to two cars or parts in their yard which will probably be construed as a junkyard.

JM notes that the existing Bylaw allows one unlicensed car.

Mort BenMoar states that the Bylaw at present allows one unregistered car on a lot.

R. Hiltz asks if someone has a license to store unregistered vehicles, would that still be considered a junkyard?

Roland Lavalee understands the concerns but states that 5 unregistered vehicles is not waste or scrap articles whether they are licensed or not.

JM states that the problem is that junkyards are allowed in an industrial zone but there is no definition.

T. Clark thinks they are giving the Building Inspector too much latitude to say anything is junk. This stretches it too far.

Ernest Hiltz, 118 Maple Street, owns a welding shop. He keeps a lot of steel and sometimes a car which he is restoring will sit for awhile. This says any scrap is considered a junkyard. Someone else may think that his stuff is scrap, but it is not to him.

B. Lord states that is allowed in an industrial area anyway.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

JM explains that someone who lives in a residential subdivision would not want their next door neighbor doing something like what Mr. Hiltz is doing in their yard. Valid points have been brought up. Maybe the definition needs work. They do need a definition of junkyard. The Board will send it back to the consultant and will not close the hearing nor act on it tonight because it needs work.

T. Clark thinks they should get rid of it altogether.

B. Lord thinks part of the problem is that 200 square feet is 10 X 20 which is one car. Maybe it is too small.

EM thinks that the Board can act on some of the zoning articles tonight.

EM makes a motion to continue this hearing for 5 minutes. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

LAKEVIEW ESTATES DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING

JM opens the public hearing for Lakeview Estates.

JM reads letter from Attorney Bruce Lord, dated March 26, 1992 requesting an extension of time to August 15, 1992 with a continuance of the public hearing for Lakeview Estates to July 23, 1992.

EM asks what the reason for the request is.

B. Lord responds that the reason is the same as for Riverview Park, Phase II. This is all coming to a head. They are putting the agreements with the bank together.

JM asks if anyone from the audience is here for Lakeview Estates.

GG does not know if he can sit on this issue. He is an abutter to an abutter.

JM notes that this has been going on for 6 years. The configuration of the Planning Board could change drastically in the next two months. The applicant could come back on July 23,



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

1992 with no input from any of the residents because the public hearing has been going on for 6 years.

M. BenMoar is not here specifically for this public hearing but is interested in the Silver Lake development.

B. Lord has sent notices of the hearings to abutters on several occasions. The reality is that the Board does not have a quorum. No action is allowed except continuance at this time.

GG has to check with Town Counsel to find out if he can sit on this because he is an abutter to an abutter.

JM notes that if there were 5 members here, they would have bit the booty.

EM asks if they should continue to the next meeting.

JM states they can continue to the first meeting in April 1992 with the extension for a couple of days after that.

P. Herr notes that he needs more time to pull together the decision since they have to review plans and information which was submitted 6 years ago. The only thing the Board can do at the next meeting is deny. This is a big piece of land. The Board can continue the hearing to the next meeting with an extension for the decision to the end of May 1992.

B. Lord requests they continue to the last meeting in April 1992.

JM calls for a motion to continue the public hearing for Lakeview Estates to April 23, 1992 at 8:30 p.m.

EM makes a motion to continue the public hearing to April 23, 1992 at 8:30 p.m. with an extension to May 29, 1992. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

PUBLIC HEARINGS FOR ZONING BYLAW PROPOSED CHANGES CONTINUED

JM reopens the public hearings for the Zoning Bylaw changes.

JM reads the definition for Drive Paving Modification.

P. Herr notes that this was also at the request of the Building



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

Inspector. Some people think that they do not have to pave the driveway.

EM asks if this applies to residential.

P. Herr notes that it does not matter.

GG states that it does exclude single family residences.

JM reads the actual article and asks if there is any discussion from the Board.

EM asks what happens with a duplex with a single driveway on either side. Can they have stone or do they have to pave?

P. Herr states they would have to pave it. This Bylaw would not be changing that. Maybe it should be.

T. Clark asks if this is saying everything has to be paved in the parking area. What happens if the owner does not want pavement because it is not conducive to what he is doing?

P. Herr responds that he would have to come to the Planning Board. They can waive the requirement.

T. Clark asks what happens if a guy has a building which is conducive to a stone driveway.

GG states that if the architect designed it so great with a stone driveway, then he can come before the Board to prove that they should get the waiver.

T. Clark asks what happens if one does not want to do that.

P. Herr notes that this article does not change anything which is in effect right now. It just clarifies that it applies to driveways as well.

GG explains that the Building Inspector came in with this issue because there was someone on Farm Street who paved the parking area but not the driveway because he felt that heavy equipment would damage the pavement. There is a high cost factor.

JM reads Section 3331, Surfacing, which states that "All required



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

parking areas except those serving single-family residences shall be paved, unless exempted by the Planning Board in acting under Section 1420, for cases such as seasonal for periodic use where unpaved surfaces will not cause dust, erosion, hazard, or unsightly conditions." This was done in the past to not create dust or bother the neighbors. There is a problem with paving the parking area and not the driveway.

T. Clark states that this would make someone pave the driveway if they did not want to. He does not see why they would have to come up and ask the Planning Board if they do not want to pave the driveway.

P. Herr explains that the issue is the concern over erosion, dust with the vehicles going in and out. The Fire Dept. is also unable to gain access. Emergency vehicles can not get through during the mud season. There are circumstances where they do not need paving. There is a review process. There is no public hearing for Development Plan Review. The Board can waive the pavement requirement. There was a particular problem with Mr. Clark's property on site which caused for paved parking. The plan called for it to be paved.

T. Clark asks what P. Herr is getting at. He always intended for it to be paved.

GG refers to a letter from the utility company which said that it should have been paved, but there was gravel there.

T. Clark asks what they are trying to get at. It is paved.

P. Herr apologizes for the reference.

EM explains that one year ago things had to be paved. Before the Board could not waive the parking. This is a requirement for the parking area. They will not make a guy pave the road behind his place.

JM notes that the pavement requirement for parking areas is already in the Bylaw. This just adds the access driveway unless it is exempted by the Planning Board. He reads that the old Bylaw states that it shall be paved. All the arguments which are being used are also arguments against the existing Bylaw. There was a problem where the guy paved the parking area and not the



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

driveway which created a lot of dust. He came in with the old Bylaw and said it did not say that he had to pave the driveway.

EM states that the old Bylaw has a parking area pavement requirement but not for the driveway. The guy on Farm Street used that to get away with not paving the driveway.

JM reads the Home Occupation Clarification definition. This makes the law less restrictive.

EM notes that it keeps everybody from having to run to the Zoning Board of Appeals for a variance. Veterinarian doctor had to get a variance but a medical doctor does not.

EM states that Home Occupations is under Section 4113.

P. Herr states that Section 4112 is the list which they are leaving alone. This is under 4113.

JM states that if someone repairs computers in their home, they will not have to go to the Zoning Board of Appeals. He asks for question/comments from the Board or audience.

No response.

JM reads the Portable Signs amendment definition. He asks if anyone is interested in this article.

P. Herr explains that this prohibits against putting a triangle sign at an intersection. Also, one can not have any sign within 10' of the street line unless it can be seen under.

S. Racicot asks a question to clarify this. At the variety store at High Street and Main Street, there is a big portable sign. He asks if this falls in the triangle and if it does would it have to be moved back so people can see around it.

P. Herr responds that had it not been there before that would be the case. However, the owner owns it as far as zoning goes. They can not make the law apply retroactive.

EM states that there is a safety factor. One could complain to the Police Dept.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

P. Herr notes that all remaining articles have to do with map changes. He has included a small map with each article in the package which he distributed.

JM states that the first one has to do with Maple Street rezoning. He reads the definition and the article. He explains that this is the Board's article because the lots are split zoned in half. The back is industrial and the front is residential. This moves it back and makes the buffer zone bigger. He asks for questions relative to this Zoning Bylaw article.

No response.

JM will go on to the Paine Street rezoning description.

EM notes that the last article relative to Maple Street had no discussion because the Board already had an informal meeting where they notified the people who had property to be rezoned so they would know what was being done. That is the reason why there was no discussion tonight. The property owners already knew what was going on.

JM reads the Paine Street Rezoning definition rezoning from Agricultural to Residential all land comprising the back portions of the lots in question. He calls for questions from the Board or audience.

P. Herr points out that everything around this is now residential.

JM reads the definition for the lot 3 rezoning which states that the petitioner will explain this article. He reads the article which states that the Town will vote to amend the Bellingham Zoning Bylaw by revising the Zoning Map east of William Way, rezoning from Agricultural District to Industrial District Lot 3 on Assessors' Map 48, or act in relation thereto.

EM asks how they ended up with 3 articles relative to one issue.

P. Herr states that there are 3 articles. One is for the whole of Lot 3 and two are to rezone only the western portion of the Lot 3. There are 3 articles for the other side of William Way.

JM asks who the petitioner is.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

Bill Sack, Esquire, is representing Howard Thayer, one of the owners. They are the petitioner to rezone the whole of Lot 3. He points to a plan and explains that it is Lot 4 on this plan. The question has to do with the appropriate use of the property to keep it in harmony with the surrounding area. The scheme is beneficial to the town. It is all industrial on William Way. He points out Saddleback Hill Road and the Boston Edison 300' wide easement. A little area is zone agricultural. Given the area it is in, it is not conducive to what it is zoned. It is a 7 3/4 acreea parcel.

JM asks where Rt. 140 is on the plan.

B. Sack points it out.

JM asks for comments/question from the Board/Audience.

T. Clark asks if it stops at the gas line.

EM states that it includes the gas line.

T. Clark asks if it is up to the gas line.

B. Sack states that Boston Edison owns the fee. The gas company owns the easement.

P. Herr explains that they are not rezoning the Boston Edison land, but they are proposing to rezone the gas property. The next article will rezone OPUS Lots 15 and 16.

EM indicates that it makes more sense to do the whole lot. If this one goes through they will not need the other.

P. Herr states that this would eliminate the existing problem which was not their's to begin with.

Joyce Samet, Esquire, representing OPUS, explains that if this article goes, they will not need the other two. She submits a statement supporting the article which Mr. Sack has just presented. OPUS supports the proposal by the landowner of Lot 3. The passage of that article will obviate the need to deal with the other one. The map which P. Herr prepared is clearer than the map which she and Attorney Sack have. The agricultural triangle juts into the industrial park. Rezoning is more



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

conducive to industrial use.

T. Clark does not understand Lot 3.

JM would like to keep the discussion through the chair.

T. Clark refers to the 2 sections which split lot 3 and lot 4.

GG notes that the Assessor's map is not the same as what Mr. Sack is showing.

B. Sack responds that it is the same configuration.

GG states that it is not the same. The square piece is not included.

P. Herr states that it is already industrial. Most of it is industrial but not all of it. He goes to the map and points out the lot in question. The triangle continues to be zoned business. They left the triangle business. The article does not cite the part rezoning from business. Maybe the article as written will not change that triangle.

T. Clark states that the actual lot 3 refers to the whole lot. Lot 3 is 70 acres not just 7 3/4. They are either referring to the whole lot or part. It is one way or the other.

B. Sack responds that they are referring to the 7 3/4 acres.

P. Herr indicates that the article says to rezone Lot 3 regardless of the number of acres so it will be industrial. The proposal will do the whole of lot 3. Mr. Clark is right. The intent is to rezone north of the Boston Edison for 7 3/4 acres. The article proposes to do more.

EM asks how it can be amended.

P. Herr states that it can be amended in a motion at the Town Meeting.

GG states that the article's intent is for 7/4 acres. They are not going all the way. There is not problem with rezoning a portion of lot 3.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

P. Herr states that they can not rewrite the article, but they can write the motion to make it clear to cover less than what is covered in the article. They warned people that they might do more in the notice of public hearing. If they were warned to do less then they could not do it.

B. Sack states that the petitioner is only asking the Board to recommend the rezoning to the Town Meeting.

EM makes a motion to recommend the article to the Town Meeting.

JM indicates that they have to make it clear that the motion is to rezone the smaller portion of the lot.

T. Clark asks why the whole piece is not rezoned industrial instead of one piece.

P. Herr explains that this is a petitioned article. T. Clark has made a point which is well taken. However, the applicant did not petition for the whole thing. Boston Edison property is the clear boundary. The Board on its own initiative can look at preparing a rezoning article for the remaining portion which was not petitioned at a later date.

T. Clark states that the article refers to the whole of lot 3.

P. Herr responds that the petitioner submitted material which showed only a portion north of the easement.

GG states that the petitioner found that they made a mistake and they have now corrected it in the minutes of this meeting.

P. Herr indicates that the article rezoning the whole piece has a clear rationale, however, they are only asking to do a part of the property. They should hope that the first article is favorably acted upon at the Town Meeting.

J. Samet points out that the shape of the triangle juts in. The smaller part would be changing the configuration more and making it more conducive with a straight line down. This alleviates the problem with several lots not conforming and increases the marketability for the town. It will open up opportunities for the town. They will be changing the configuration to make it more conducive to what the land use was intended for. Their



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

article is a private petition to rezone land other than what is owned by the petitioner. There was concern over having to divide the property.

B. Sack states that his client wants to see their petition passed. If the Planning Board recommends it, it will lend clout at the Town Meeting floor.

P. Herr asks what happens if it fails.

B. Sack responds that Mr. Thayer will support the second petition but it is not the desirable result. The first article is the best appropriate use. The property has an odd configuration. He is referring to lot 7 on the plan. A lot of the area on the southern side is wetlands. It abutts William Way at the end of the cul-de-sac. They want it rezoned industrial rather than agricultural.

JM asks whose land it is.

B. Sack responds that it is all vacant Thayer land.

P. Herr indicates that the only thing which is agricultural abutts Boston Edison.

JM asks for comments/questions from the floor.

No response.

JM states that they can continue this public hearing to the second meeting in April 1992.

P. Herr asks if the Board has heard from the Building Inspector relative to these articles. It does not hurt to continue.

Clerk sent the Building Inspector a copy of the notice of public hearing but he has sent no response.

JM states that they have to work on the junkyard definition and a motion has to be written relative to the Lot 3 rezoning by the consultant.

GG states that the Board is waiting for the junkyard and Board of Health response.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

Larry Cibley thinks it is unfair to make everyone wait and come back because of one Bylaw amendment. A lot of people are here for William Way. He asks why the Board does not take a vote for that portion of the meeting so those people do not have to come back again. He asks why the Board does not make a recommendation on the article and take a proper stand on William Way.

JM asks if they can mechanically do this since all the articles were advertised as one public hearing.

EM wanted to recommend several articles.

P. Herr things they could close the public hearing for all parts except the ones with questions.

EM thinks they can close William Way articles, Paine Street, Maple Street, kennel, and yards.

JM states that they need a motion to close all but the junkyard.

EM thinks they could close any articles which would not be Board of Health issues. He asks if one would see the home occupations as a Board of Health issue and yard.

P. Herr responds that yard would not be considered their issue.

EM asks if the kennel or hospital will be considered a Board of Health concern.

P. Herr responds that it could be.

EM will hold out on home occupations, animal kennel and hospital, junkyards to be rewritten and reclarified and DPR.

T. Clark asks if the article relative to William Way will read like it is.

EM responds that yes but the motion will explain the intent. They can advertise and make it smaller but not bigger.

EM makes a motion to close all the public hearings except junkyard definition, lot clarification and DPR. GG seconds motion. Unanimous vote of 3 to close (JM, EM and GG).



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

JM states that they can take the remainder and vote on them one at a time. The first is yard modification.

EM makes a motion to recommend Yards Modification to the Annual Town Meeting. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM states that the second article is for Drive Paving Modification.

EM makes a motion to recommend Drive Paving Modification Article to the Annual Town Meeting. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM refers to the Home Occupations Clarification.

EM makes a motion to recommend Home Occupations Clarification to the Annual Town Meeting. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM refers to the Portable Signs Article.

EM makes a motion to recommend the Portable Signs Article to the Annual Town Meeting. GG seconds. Unanimous vote of 3 (JM, EM and GG).

JM calls for a vote on the Maple Street Rezoning Article.

EM makes a motion to recommend the Maple Street Rezoning Article to the Annual Town Meeting. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM calls for a vote on the Paine Street Rezoning Article.

EM makes a motion to recommend the Paine Street Rezoning Article to the Annual Town Meeting. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM calls for a vote on the Lot 3 Rezoning Article.

EM makes a motion to recommend the Lot 3 Rezoning Article to the Annual Town Meeting. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

EM suggests the petitioner have a big map, drawing or blackboard ready to show to the Town Meeting members to explain what they are doing.

B. Lord states that the map will be put in the Finance Committee's hardbook which is distributed to all the Town Meeting members.

P. Herr states that this article was confusing tonight. The drawings which were shown are different than what was presented. The only map which should be shown at the Town Meeting is an enlargement of the Assessor's Map.

JM suggests that they color in the section which they are rezoning to make it clearer.

EM makes a motion to recommend the article for rezoning Lot 3. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM states that in case that article does not pass, there is the backup article for the rezoning of the portion of lot 3.

EM is not favor of that article.

GG felt that P. Herr had some hesitation on this one.

P. Herr just wanted to make sure that Mr. Thayer was agreeable to this and he has indicated that he is.

EM feels that this creates a further problem down the road. The right way is to do the whole thing. He will recommend it as a Board member but will fight against it as a Town Meeting member. EM makes a motion to recommend the portion of lot 3 rezoning article. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM calls for a vote relative to the lot 6 rezoning.

EM makes a motion to recommend the lot 6 rezoning article. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM calls for a 5 minute recess.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

RAWSONS FARM PRELIMINARY SUBDIVISION DISCUSSION

B. Lord is here representing the developer. Rawsons Farm is a historical name in Bellingham. He will give the Board a history lesson at the definitive stage. This is the former Stony Ridge property. They were in at the February 1992 meeting for a brief discussion relative to the entrance on Hartford Avenue. They propose to put their entrance on Hartford Avenue across from the Fafard shopping center. This is a 31 lot subdivision with Rawson Farm Road at the double entrance going out to the cul-de-sac. Alden Street is another one of the streets but the name will have to be changed because it is too close to the name of another street in town. This plan conforms to everything.

EM asks about the two means of egress.

B. Lord states that they will only have one means of egress which the Planning Board agreed to during the February 1992 discussion.

EM asks if they can go out Cedar Hill.

B. Lord states that the alternative is to have two entrances on Hartford Avenue.

EM notes that the Bylaw says that over 20 lots requires 2 entrances.

B. Lord states that the Board suggested they split the entrance which they have done.

GG asks if the 31 lots includes 3 on Hartford Avenue.

B. Lord responds that is correct. All will be accessed through the interior rather than the exterior. None will have a driveway on Hartford Avenue. They discussed this proposal with the state because Hartford Avenue is a state street. They said there was no problem with the traffic.

Don Nielson, Guerriere & Halnon, engineer, states that they have adjusted the length of the island for the driveway of the first lot.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

B. Lord explains that the only one remaining on Hartford Avenue is the original lot with the house which is not part of the subdivision.

EM asks the size of the lot with the panhandle.

B. Lord responds that it is 28,000 square feet.

EM asks if the driveways will be paved or dirt.

B. Lord states that will be up to them.

GG has no problem with one means of egress but would like to see a restricted easement with no means of egress on Hartford Avenue.

B. Lord points out that they have 4 lots which will be brought in under 81-Ps so they can start construction of demo houses.

Jim Britton, builder, states that he will agree to it as part of the definitive subdivision that the lots will be made that way.

B. Lord indicates that it is their intention not to see lots prior to development.

GG notes that in his development, Silver Heights, they put in curbing as a deterrent to people going out Hartford Avenue. They can extend the curbing to Hartford Avenue.

D. Nielson points out that it is all sidewalk now.

B. Lord states that it is granite curb now. Anything which they disturb will go back to curb cuts later on.

D. Nielson states that according to Mass DFW they have to have curb cuts on every lot.

EM states that they are going to access through Hartford Avenue in the beginning.

P. Herr thinks it would be cheaper to build a driveway where they will build the road.

J. Britton agrees.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

D. Nielson had a visit with DPW. One entrance is acceptable to them. They will have new lights at the southbound ramp. They want the lanes to remain as they are. There is not enough to warrant a variation in the lanes.

GG states that with a restrictive easement, they could have 27 instead of 31. This is a developable piece of property.

EM asks what makes the loop road different from Devitt's development.

P. Herr states that in that case he was putting in eyebrows at the corners.

GG points out that he had 3 with the road behind it.

P. Herr refers to the bottom lot which has streets on 3 sides with easements.

EM asks why they do not split the lot and add it to the other two.

P. Herr also points out that a deadend is not allowed to serve 13 lots only 12 unless it is waived by the Board but he does not see why the Board would waive it.

D. Nielson states that they may lose one to a detention pond.

B. Lord points out the gas easement on the plan.

GG states that on Maple Street someone put a fence on the road. Where he lives there are restrictions against that.

B. Lord indicates that they are in the process of percing which may affect the configuration. Once they get into the definitive, they will present more in depth drainage calculations. They will loop the water line. They are showing the water line going out Cedar Hill. It is their intent to do that but they have not gotten in touch with the landowner yet.

EM thinks it would be nice if they could tie into the NDAI sewage.

D. Nielson states that they tried to do that but could not. They



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

have had 29 out of 31 percs with Mr. Wirtanen on site all week. There are no wetlands.

Clerk reads Health Agent letter, dated March 25, 1992 stating that the Board of Health anticipates commenting on the proposed subdivision with the 45 day comment period allowed by the Planning Board. Soil testing is presently being performed at the Rawson's Farm site to determine suitability for individual on site sewage disposal systems. The Board expects full compliance with all state and local regulations regarding sewage disposal at this site.

EM states that having fewer lots would be another alternative. One is surrounded by streets with a gas line going through it.

P. Herr reviewed this plan. The 13 lots are on a street which loops. One is a terrible lot which is created. There is a question relative to the arrangement of drainage at the intersection of Hartford Avenue.

D. Nielson states that it will drain into the property. They have a low point.

P. Herr states that Stony Ridge never solved the drainage problem.

D. Nielson indicates that they will put a catch basin at the intersection. It will all go to the detention pond. It has already been tested. They already talked to the Mass DFW relative to drainage. As long as they maintain a predevelopment level it will be allowed to go to the interstate. It is a combined detention/retention.

P. Herr asks who will take care of it.

B. Lord responds that it will go with the road. Everything is conforming except the entrance.

EM states that they are also looking for a waiver relative to the number of lots. They would not get the same number of lots with a U turn.

D. Nielson states that they would have the same number. Last time the plan had 37. This time they have 31.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

EM asks about the round area shown in the center on the plan.

B. Lord responds that it is a boulder area with a gravel pile in the middle. The whole area had been mined at some point.

GG thinks this is the best scheme he has seen.

P. Herr states that Stony Ridge was a good design also.

EM indicates that this was the perfect location for condos but they never got built.

B. Lord asks that the Board approve contingent on the Board of Health's comments.

EM feels that if the Board approves this as a preliminary, it is what will be presented at the definitive. They do need to change the plans relative to the Board's comments. He asks what the zoning is.

B. Lord states that it is all residential with 20,000 square foot lot requirements.

GG states that the Board should send a letter to the Board of Health informing them that the preliminary subdivision discussion for Rawsons Farm has been continued to April 9, 1992.

EM suggests that they change the street name before going to the Fire Chief with the plan.

B. Lord indicates that the Fire Chief already found the name similiarity.

CENTER STREET HOUSING REVIEW DISCUSSION

P. Herr explains that the Zoning Board of Appeals asked the Planning Board to comment on the plans for the proposed Center Street Affordable Housing Development. The Board in turn referred it to P. Herr for technical review and said they would get back to the ZBA. He went through and checked this as if it were subject to zoning and required DPR. They should make a condition that items be submitted before building permits are issued. The Zoning Bylaw as it is written lets them do whatever



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

they want. He presents a memo which he prepared relative to his review. It is a substantial piece which he spent two days preparing. He suggests that the Board transmit it to the ZBA as it is since they do not have time to read it right now. He will go through the issues which he raised. They will have two parking spaces per unit instead of 2 and a 1/2. Affordable Housing's defense is that EOCD requires two spaces and will not pay for more. It also requires sewage disposal. This site is in the water resource district if the proposed article for the Annual Town Meeting is approved. This property will have on site sewage disposal which is almost double what is allowed by the Bylaw. They would have to get an extension of the sewer to service the site. This is the same issue with WalMart. The Sewer Commission states they are obliged to install the sewer and pay a service fee. EOCD is unwilling to pay the service fee. The revised configuration of the Water Resource District makes good hydrologic sense. He does not see how the state can approve with on-site sewage. The issue is housing policy. This comes out only fair.

EM asks if this is in a Water Resource District now.

P. Herr responds that it is not now but if the Town Meeting votes to approve the Water Resource District Article, it will be.

EM states that the ZBA is not bound by zoning.

P. Herr states that if they read his review they will know about it. This proposal will also take down trees. It will be a little secluded inturned development. They would be isolating these people from the rest of the community. Having some of the units front Center Street would be a better way of doing this. This is the wrong scheme since this it is subsidized housing. It is his suggestion that the Board send this along to the ZBA.

GG states that Center Street has become a high crime street. His parents have had attempted break ins two times and someone sawed off a tree which he planted. A neighbor's Saab was pushed into the street and covered with hair grease.

P. Herr thinks it is wonderful to have 12 units of subsidized housing built in Bellingham, but feels they could do it for less than \$1.5 million. EOCD will not support scattered units. the Housing Authority said it is this or nothing. That may not be



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

true if the town goes to EOCD.

GG states that the Housing Authority owns the land already. They said they invested in the land and design fees.

B. Lord states that they could integrate that with the project which was just presented to the Board for the same amount of money.

EM thinks this plan would be isolating people they are supposed to be helping to join the community.

B. Lord states that this plan puts the units way back and clustered.

P. Herr states that a lot of newspaper coverage has shown an elitist view of Bellingham relative to this issue and that is not true.

GG feels that there was a negative factor from the start.

P. Herr states that the Board may want to send his memo along to the ZBA and tell them that the Board just received it and did not have time to really review it, but wanted them to have it for their meeting. There is one technical thing. The Water Dept. asked them to loop to make a connection to Fox Run Road, but they do not feel they can approach the owners to ask their permission.

EM states that they will have cleaner water and better pressure with a loop.

P. Herr will be at a conference in New York from April 22, 1992 to April 24, 1992 and therefore will not be able to attend the April 23, 1992 meeting.

GG states that the Board can change the last meeting to April 30, 1992 instead of April 23, 1992. He makes a motion to do that.

EM seconds motion. Unanimous vote of 3 to change the meeting. (JM, EM and GG).

EM makes a motion to continue public hearings which were to be scheduled for April 23, 1992 to April 30, 1992 at the same times. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

MARCH 26, 1992

Clerk is instructed to send P. Herr's comments relative to the Center Street Housing Review to Town Counsel and ZBA members.

Clerk presents invoices for newspaper notices of public hearing for the Board's approval. Members advise Clerk to send OPUS and Thayer letters indicating that they are responsible for a portion of those fees (2/12 for OPUS and 1/12 for Thayer).

EM makes a motion to adjourn the public hearing at 11:06 p.m. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

Anne M. Morse, Chairman




John P. Murray, Vice Chairman

Emile W. Niedzwiadek



Glenn E. Gerrior



Edward T. Moore