



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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EMILE W. NIEDZWIADK
GLENN E. GERRIOR
EDWARD T. MOORE

MINUTES OF REGULAR MEETING

JUNE 25, 1992

Meeting was called to order at 7:45 p.m. Vice Chairman AM acted as Chairman until JM came in. AM, EM and GG were present at the start of the meeting. EN and JM came in later. The Board's consultant, Philip B. Herr, was also present.

PINE MEADOW HOMES

QUESTION RE: STATUS OF DEFINITIVE SUBDIVISION

Eric Anderberg, Esquire, explains that this definitive subdivision plan was approved 4 years ago. His client, Dunster Homes has a purchase and sale agreement for the subdivision. There is a clause in the decision which requires that the structure be completed within 24 months of approval. The question is do they have a subdivision or a subdivision with a lapsed approval?

AM asks what Town Counsel said about this.

E. Anderberg spoke with Town Counsel and he said he would have a response for tonight.

P. Herr notes that the matter was also referred to him. The subdivision failed to meet approval of the plan. It clearly provides grounds for the Planning Board to consider proceeding to rescind the approval. With the regulations of 1988 there was no automatic recission if the subdivision was not completed in two years. They still have a subdivision.

E. Anderberg asks about the or clause at the end of the decision.

B. Lord states that the covenant is in place.

E. Anderberg asks if it was recorded.

B. Lord responds that it was not recorded. He explains that the



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contractor and owner ran into financial problems near completion of the approval process for the project. He was the attorney representing the developer. It was agreed between the engineer and attorney that nothing would be filed until the bills were paid as protection for outside parties.

B. Lord thinks that it is a valid subdivision.

P. Herr agrees.

EM spoke with Town Counsel about this matter. Town Counsel disagrees. It was approved in 1988 with one condition that it be started within two years. He said that Town Counsel referred to the Campanella case.

P. Herr is familiar with the case. The language is different in that instance.

EM states that either way they would have to have a public hearing. The Board signed the plan in April 1992 saying that there were no changes in zoning. The two years was a condition which was not met and has expired.

B. Lord refers to conditions a, b, and c with a being the two year completion of the road with an or clause at the bottom.

EM states that this is 4 years later. A public hearing will have to be held with notice given like Country Club Estates II and Rome Avenue.

B. Lord states that the question is if the Board has the right to require that.

EM notes that Town Counsel said that something has to be worked out between the attorneys and not the Planning Board and the applicant. There is nothing this Board can do. It has to be settled through the attorneys. Town Counsel feels that the condition is not met and therefore the approval is not in order.

B. Lord states that if they came in and presented the Board with a requirement for a bond, it would bring it to the head. It would not necessarily be a situation with the attorneys.

AM suggests that Attorney Anderberg contact Town Counsel to discuss this situation further.

E. Anderberg spoke with Town Counsel about a week ago. He said he would look into it and talk to someone on the Board. He has



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not spoken to him since.

B. Lord spoke with Town Counsel yesterday. At that time, Town Counsel expressed the same opinion but he does not agree because of the "or" question at the bottom of the decision. B. Lord is the selling attorney and Attorney Anderberg is the buying attorney. It is up to them to present the situation.

EM makes a motion for Town Counsel to review the material and information which B. Lord and E. Anderberg have and then advise the Planning Board how to handle the matter. Maybe P. Herr should be involved too. These are all legal issues. The subdivision/zoning has not changed.

E. Anderberg will comply whatever the procedure is.

GG seconds motion. Vote of 3 (AM, EM and GG).

EM states that EN is absent from tonight's meeting because he is not feeling well. His daughter is getting married this weekend.

RAWSON FARM DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING

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

ST. BRENDON'S PARISH ADDITION DISCUSSION

Stan Fabian, parishioner, introduces Joseph Donahue, architect, Bill Bissonette, parishioner and Jim Walsh, engineer.

B. Bissonette states that he is the Chairman for the Project Management Committee for the proposed parish center.

J. Donahue shows members a brochure depicting the proposed parish center addition to be built. They are here tonight to discuss the off street parking. Currently they have 88 parking spaces. He wants to discuss Article 3312 of the Zoning Bylaw which refers to shared parking. The church has 288 fixed seats. The Zoning Bylaw requires one parking space for every 3 seats. The new parish center will have occupancy of 290 for assembly for a total



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requirement of 115 parking spaces. He met with the Building Inspector a few months ago at which time he said that it was the Planning Board's decision to decide about off street parking. The new building will make the church handicap accessible with a connecting ramp at the end of the church. They will put in handicapped parking adjacent to the new entrance.

EM asks how many parking spaces are existing now.

J. Donahue responds that there are 88.

EM notes that is less than the required amount already.

J. Donahue responds in the affirmative.

AM asks what the purpose of the hall is.

B. Bissonnette responds that it is solely for parishioners. It is not a hall for the general public.

EM asks if they will have functions there.

B. Bissonnette states that the functions are only for the parishioners. It is really an educational center.

S. Fabian states that it will be used mostly for CCD.

J. Donahue notes that it is also for the parish social functions.

AM asks why they have a kitchen.

J. Donahue responds that is for the communion breakfast and parish activity.

B. Bissonnette states that it is about the same size as the church which they have now.

GG notes that Assumption Church has 30 parking spaces.

B. Bissonnette states that they would not have the church and the parish center filled at the same time.

EM thinks that they could.



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S. Fabian states that they would not because it is connected to the church.

B. Bissonnette notes that the pastor feels strongly against that since it would create noise in the church.

J. Walsh explains that cannon law for the Catholic religion is against having a function going on at the same time that a mass is being held.

GG is Catholic and has been to pancake breakfasts at the same time that a mass is being held.

J. Donahue further explains that the parish center will house restrooms, education center, plays, recitals, concerts, one day retreats and receptions after communion.

EM asks what their question is tonight.

J. Donahue states that they are here asking how to address off street parking.

P. Herr asks what the number is which they would like to provide.

J. Donahue responds that they would like to increase the 88 to 100. He points out where they will built 4 handicapped spaces. They can have between 100 and 105 parking spaces.

GG asks if they will have a dumpster located in the parking lot.

B. Bissonnette responds that no, if they need one they will have it in the back of the hall. He states that the Planning Board could make them have 115 parking spaces. Mr. Donahue can make a better aesthetic plan with less than 115. It will be less expensive for the church.

AM notes that they actually need more spaces because they should be combining the 115 and 96 for a total of 211 parking spaces.

J. Donahue refers to and reads Section 3212 regarding shared parking from the Zoning Bylaw.

AM indicates that they are asking for less than what is needed now.



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GG asks if the parking lot is full during regular mass.

S. Fabian responds in the negative.

GG notes that the Board is not looking at industrial or warehouse proposal. The church has more land. They could put in additional parking if it is needed.

B. Bissonnette states that if there is a huge increase in the number of parishioners, they could add parking. He understands the requirements and that the Planning Board has the ability to waive them.

AM states that by allowing a capacity of 115, there may not be enough because some people may go to church but will go to a function.

B. Bissonnette responds that they can not overcrowd the building.

J. Donahue states that the worst case scenario is with a seating like an assembly with 340 people.

AM thinks that could fill the parking lot.

GG asks if the land in back is flat.

EM points out that there is no way the Board can make them do it afterwards. If the Board waives the parking with reduced parking now, that is it. The existing church requires 96, but there are only 88. The new addition requires 115. The Board could reduce it to 150 and create 62 new parking spaces.

J. Donahue states that would create a hardship for them.

B. Bissonnette states that they never had that many cars.

S. Fabian explains that during a first communion in church on a Saturday, they have between 15 and 20 kids. They do not ever fill the church and they never have cars parked on the road.

EM asks if there is anything in the bylaw which will prohibit the church from having a bingo.

S. Fabian states that it is not their intention to have a bingo.



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He can not say that 20 years from now they will not do a bingo.

J. Donahue states that they can provide off street parking for 115 cars. The Board has the right to allow that under Article 3231 of the Zoning Bylaw relative to shared parking. They do not intend to use the church at the same time as the function hall. They are trying not to scalp the hillside of trees and grass.

EM states that 27 plus the 88 which are there now will make a total of 115 parking spaces.

AM notes that would be covering the capacity for the new building.

J. Donahue would rather not make an asphalt jungle.

EM states that would be only 19 spaces more than what is required by the church alone.

S. Fabian indicates that ten years ago the parishioners were parking on Hartford Avenue, then they built the parking lot on their own.

J. Donahue points out that most cities and towns including Quincy waive all parking for churches.

GG believes that the churches are always the best kept structures. They are always looking to keep the properties up. He feels that the parking on the plan is fine.

AM asks the number which they are showing on the plan.

B. Bissonnette states that there are 115.

GG does not have a problem with that.

AM notes that would take care of the capacity of the function hall.

B. Bissonnette points out that the town did not demand that the church build a parking lot. St. Brenden's Parish put it in for the convenience of the parishioners. If people feel the parking lot is dangerous and congested, they will dip into their pockets. He has been a parishioner there for 20 years and they do not fill



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the parking lot now.

S. Fabian explains that they do not want to scalp the land. Because of the grade situation, they may end up with 110. They can park another 7 - 8 cars over at the rectory.

GG states that if there is no delineated parking spaces, they could probably park another 10 cars.

J. Donahue is trying to retain the greenery and trees and cutting back the grades and trees.

GG asks if this requires a site plan review.

EM responds that he believes it does because it creates parking but he asks for P. Herr's opinion.

P. Herr responds that yes, there is no question about it.

GG states that the plan has to be distributed so that comments may be sent to the Planning Board.

S. Fabian will distribute the plans.

EM notes that all the information pertaining to a Developmental Plan Review is located in Section 1420 of the Zoning Bylaw.

Clerk notes that they can hold the hearing on July 23, 1992 if the plans are received two weeks previously since the notice has to be advertised 7 days before.

J. Donahue will prepare the plans and S. Fabian will distribute them.

JACO REALTY TRUST
FARM STREET
DEVELOPMENTAL PLAN REVIEW
OFFICE SPACE ADDITION

AM opens the public hearing.

Clerk reads Notice of Public Hearing.

EM makes a motion to continue the public hearing to tonight at



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9:00 p.m. GG seconds motion. Vote of 3 (AM, GG and EM).

RAWSON FARM
DEFINITIVE SUBDIVISION
CONTINUED PUBLIC HEARING

AM points out that her company is hauling gravel for Silver Lake Realty which is going to Rawson Farm. They are hauling for someone else. It is an ethical question. If there is a problem, she will be glad to step down.

EM has no problem with that.

B. Lord, representing the applicant, states that the developer contracted for gravel to be delivered on site. The contractor in turn hired AM's company. There is one item which has to be brought up regarding the placement of street lights. There is an unofficial determination that the lights be placed at the intersection and dangerous positions. He does not believe that the official determination is up to the Planning Board.

EM asks if the poles will be there if they need to put in lights later.

D. Nielson responds that the poles are there.

B. Lord requests a determination regarding the placement of lights.

EM feels that they are needed at the intersection and cul-de-sacs.

B. Lord points out that they changed the name of the road to Rawson Road instead of Rawson Farm Road and Sagamore Road since the post office can only accommodate 12 letters.

EN joins the meeting at 8:40 p.m.

B. Lord further states that the house numbers which were done by Mrs. Forbes were added to the plan.

D. Nielson faxed the gap analysis to P. Herr. They will have 100 gaps per hour. The site distance evaluation for Hartford Avenue to the west was over 600'. They could see to the intersection of



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North Main St. The site distance to the southbound ramp if they clear back 15' of brush and overhanging limbs was in excess of 600' from the front portion of lot 25.

GG asks if they should have a stipulation on the lot that does not allow someone to put a hedge in.

B. Lord notes that no hedge will be put along Hartford Avenue for 15'.

EM thinks that is already in the Bylaw but is not enforced.

D. Nielson points out that the Massachusetts DPW forwarded information to them. It declares that the culvert has less impact. It is based on their analysis. They are in the process of reviewing the drainage. The type of island in the center portion at the entrance to Rawson Road was sent back to DPW for their approval. They will put in a concrete island with little ripples. It is up to the Board. They propose having it 10' wide and flush. They could stay with the same format which they talked about with two islands. They left a gap in between for the impression of a divider. There is the elevated option also. One or the other is suitable to the DPW. The other issues which Mass. DPW had was the riprap channel at the end of the detention pond. There was a discussion to culvert on the interstate. They will have a controlled device to collect and transfer the water to their 30" pipe.

B. Lord notes that the Town Engineer reviewed the drainage and forwarded a comment to the Board. However, he believes that the Town Engineer was using the old subdivision regulations which are not in line with the new regulations.

EM reads letter from Sgt. James Haughey, dated June 16, 1992 stating that the site distances far exceed the needed requirements. EM reads portion of the letter from Ed Wirtanen, Health Agent, dated June 18, 1992, relative to Rawson Farm, stating that the Board of Health requires full compliance with state and local regulations dealing with subsurface sewage disposal. EM begins to read letter from Makram Megalli, dated June 24, 1992. Mr. Megalli notes that he reviewed the plans dated May 11, 1992, along with written reports and calculations prepared by Guerriere & Halnon for the definitive subdivision plans. He found the submittal to be substantially complete



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except for minor items listed herein.

D. Nielson would like to address one item at a time.

EM reads the first item from the letter stating that the latest edition of the subdivision rules and regulations, in his possession, indicate that minor roads require 2 paved lanes 14' - 6" wide each for the roadway vs. 13' - 6" shown on the plans.

P. Herr states that Mr. Megalli was using the old regulations.

EM reads item #2 stating that the subdivision rules require that the proposed street system is to provide access to adjoining raw land. This should be examined.

B. Lord states that they do not bring the road out to the area. The property has frontage on Farm Street.

EM asks if they need a waiver to do that.

P. Herr responds that they do not.

EM reads item #3 stating that minor streets need 125' radius vs. 100' shown on the plans. However, lanes require 75' only. It depends on the definition.

D. Nielson responds that the current subdivision regulations require a centerline of 125' radius which is shown.

P. Herr believes that was a misunderstanding.

EM reads item #4 stating that the sight distance for Hartford Avenue (as a collector road) is defined by rules to be 400'. The Engineer (on page 7 of traffic analysis section) calculates needed sight distance of only 325'. However, it is not mentioned what is the available sight distance.

EM refers to the letter from the Safety Officer relative to the available site distance.

EM reads item #5 stating that the written report indicates the development to contact 31 lots, but the plans only show 30.

P. Herr notes that they took one out.



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EM reads item #6 stating that in the shape faction schedule on the front sheet of the plans, lots 1 and 2 are not included. EM asks if that is because those were 81-P lots.

B. Lord responds in the affirmative.

EM reads item #7 stating that the numbering of the plans should be from sheet 1 of 12 to sheet 12 of 12 instead of present numbering system.

D. Nielson states that sheets 1 to 12 go to the Registry. They number each section as the number of sheets for that section.

B. Lord notes that there is a filing problem.

P. Herr does not feel that this is an issue.

EM reads item #8 stating that the slope of the road centerline at the entrance from Hartford Avenue is not specified on the profile.

D. Nielson states that they added .5% to the plan.

B. Lord states that M. Megalli had the original plan. The plan they have now is the improved plan with Mr. Megalli's comments noted.

EM reads item #9 stating that approval of the plans should be contingent on granting the requested variances or waivers. EM states that is understandable.

EM reads item #10 stating that approval of subdivision should also be contingent on receipt of written approval of the Mass Highway Dept. for drainage as it relates to discharge into their system under Rt. 495. EM asks if there is anything from the state.

B. Lord responds that they are going through the process with the state. They are taking the risk that they will have to come back.

EM reads item #11 stating that approval of town offices (Board of Health, Highway Dept. Fire Chief, Conservation Commission, Water/Sewer and Safety Officer) should be secured prior to



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approval.

EM asks about the question of discharging to Rt. 495.

D. Nielson states that is subject to the DPW.

P. Herr states that the question is what to do while they are waiting to hear from the DPW. What happens if they are half built and the DPW says they can not do it?

B. Lord states that they could require a decision of approval prior to signing the plan.

P. Herr notes that this is the same with the previous project in the same place three years ago when the Board approved the special permit subject to his review. He further notes that the gap acceptance analysis did what the Regulations called for.

D. Nielson had not distributed them to the Board. He does so now.

P. Herr notes that as people occupy space, this will get better. It deals with different people egressing. It does not deal with the impediment which they make to Hartford Avenue which is the reality of the site. He suggests the Board proceed and approve the plan, but they will hear about it in the future when people can not get out of the street. The analysis says it will be hard to get out of the street.

EM notes that B. Lord said that it could be easily signalized.

B. Lord notes that he said it would be signalized when Fafard builds Shoppes at City Lights which is directly adjacent. Just for the Board's information, Fafard is coming out of the bankruptcy proceeding. It is coming to an end on the 30th.

EM states that the problem is for the people who live there not the traffic on 126.

AM believes that this will impose a lot less traffic than the previously approved special permit on the site.

P. Herr agrees but states that this is a level service E. It will get better when the traffic signals are put in. It is safe



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to say that is a long way off.

AM asks for questions from the audience.

EM makes a motion to close the public hearing for Rawson Farm.

GG seconds motion. Vote of 4 to close (EM, AM, EN, and GG).

AM asks if they are ready to vote.

EM states that they can vote later this evening and put in the waiver and conditions.

JACO REALTY TRUST
DEVELOPMENTAL PLAN REVIEW
OFFICE ADDITION
FARM STREET

Jim Barsanti, Guerriere & Halnon, prepared the plans. He introduces Alfred Rossini, Trustee, Jaco Realty Trust and Ray Parabichly, general contractor.

EM asks if the fee has been paid.

J. Barsanti notes that the fee has not been paid since they were not sure if the existing spaces or only the new spaces were to be considered for the fee. They have 21 new spaces.

EM states that it would be for the 21 new spaces.

Clerk notes that the fee is \$83.00.

J. Barsanti further explains that they are adding 5,000 square feet to the back portion of the building for proposed office use entirely. They will pave the existing gravel as per the Bylaws. The parking spaces will be spaced. The site plan shows 89 parking spaces as required. They have 60 people employed. The copies of the site plan were submitted and distributed as noted on the distribution list.

EM asks if the plan indicates zoning.

J. Barsanti states that the zoning is industrial. One side of Farm Street is residential along the right of way.



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EM asks about the area to the right.

J. Barsanti responds that that is industrial use for Algonquin.

AM asks what the business does.

A. Rossini explains that they fabricate building parts for medical and computer electromechanical.

AM asks about the noise level.

EM states that the entire lot is zoned industrial. Did they show the proper setback?

J. Barsanti responds that they adhered to the setbacks required and propose paving the existing area.

EM asks if the addition will be behind the building.

J. Barsanti states that it will conform to the existing size of the building at or below the existing roof. The addition is entirely proposed as office use.

AM reads letter from Ed Wirtanen, Health Agent, dated June 18, 1992 stating that he reviewed the proposed modification to Jaco Realty Trust's facilities at 155 Farm Street with regard to the existing sewage disposal system. Since there is no anticipated increase in the number of employees or encroachment by the proposed addition to any of the existing components of the septic system, the existing sewage disposal system is adequate for the proposed modification. This should not be construed as a guarantee that the system will function satisfactory.

AM asks about the section stating that there will be no increase in employees.

J. Barsanti notes that they are not planning on increasing the number of employees, who are cramped now.

A. Rossini further explains that they need more room since they took down a 5,000' warehouse.

J. Barsanti notes that since they are not planning on adding people, the flow should not change.



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EM understands - they are creating new office space because they lost office space.

JM joins the meeting at 9:15 p.m.

JM reads letter from the Fire Chief, dated June 15, 1992 stating that he has reviewed the site plan for the proposed 5100 square foot addition to Jaco, Inc. 15 Farm Street and makes the following comments. The access to the front, left and rear of the property should not be adversely affected. To the right side of the property adjacent to Algonquin Instruments there is a gravel driveway that was installed during previous construction. He recommends that this gravel drive be extended to the paved parking area to the rear. It should be ample width to accomodate access of fire apparatus. The reason he is requesting this be extended is due to the lack of fire hydrants to the rear of the property. By utilizing this access road we can avoid unnecessary long hose lays resulting in quicker set up in a fire situation. This gravel area should be maintained year round for fire dept. use. The alternative to this would be to run the water main to the rear of the property and placing an additional hydrant to the rear.

EM states that is the road beside the building.

J. Barsanti states there will be a riprap slope to Algonquin Instruments.

EM asks if they intend to pave that.

J. Barsanti responds that they do not.

JM asks how wide it is now.

J. Barsanti responds that it is 15' to 20'.

A. Rossini states that they drive around it now. The gravel drive will be extended and paved in the rear to make it accessible year round.

R. Parabichly will get a bulldozer down there to clean up and grade.

A. Rossini states that there is ample width now.



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R. Parabichly states that they would normally backfill and would ordinarily extend the driveway.

EN asks P. Herr is there is any problem with the Jaco plan.

P. Herr notes that there are some mechanical questions. The proposed landscaping is not shown on the plan.

J. Barsanti states that they will have landscaping to screen the parking area as well as a chainlink fence and existing parking. They are not noted on the plan.

P. Herr refers to the access drive. The bylaw requires that they build within 50' of the property. It is not shown. Another issue is circulation parking and landscaping drainage. He does not see drainage on the plan.

J. Barsanti states that there is no existing structure on the site.

P. Herr states that the existing paved parking has no berm at the bottom. It runs over the grass and winds up in the state system. If they replace the hardpacked gravel with bituminous, it will just run off. This is really a bump in the back of the building. It is really not significant enough to make an issue out of the drainage. There is an issue regarding the site distance. It is not good to the north as you egress the property. He does not know the reason. One can not see looking to the right.

A. Rossini cut back and cleaned up the entrance. The street curves around.

P. Herr states that is the reason why one can not see. The drawings show the trees as existing and the buildings adjacent to the property.

A. Rossini bought the land from the town and cleaned it out.

EM states that they could put a berm around the parking lot so it will not runoff to 495.

P. Herr states that no, it should runoff continuously.

EM makes a motion to approve the Developmental Plan for Jaco



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subject to the trees being added to the plan as well as the adjacent building to the right. The revised plan should be brought to the Building Inspector. EN seconds motion. Unanimous vote of 5.

J. Barsanti asks if the Board endorses the plan.

EM states that no, we stamp them.

JM calls for a 5 minute recess.

DENIS FRAINE

DISCUSSION RE: SHARED SERVICES WITH ABUTTING TOWNS

D. Fraine notes that AM asked him about Makram Megalli's status as Town Engineer. His position is not funded. Right now his salary is being paid out of Chapter 90 funds. He will be around into the fall. His position may not receive additional funding after the Depot Street bridge. The Pearl Street bridge still has to be done. It does appear that he will not be working for the town for this fiscal year. Right now the Depot Street bridge is a little slow. He will still continue to support the Planning Board for the time being. The real reason he is here is to discuss EOCED funding and a municipal incentive grant. His position was initially funded through this type of grant. He has been approached by 3 communities interested in submitting a grant for a regional planner. He sent a faxed copy to P. Herr for his review. Franklin put together a proposal. It would encompass two planners and a consultant for 3 towns including Wrentham, Bellingham and Franklin. Franklin would pick up 50% of the cost, Wrentham 25% and Bellingham 25%. The state will fund 75% the first year, 50% the second year and a decreasing number the third year. The focus of the proposal is geared more towards Franklin's needs than Bellingham's. There is a substantial cost the first year of \$100,000.

GG indicates that the town can not even fund what they have.

EM asks why they can not apply for the grant to keep the Town Engineer.

D. Fraine responds that it is for new positions only. Blackstone is also interested in a planner position. He feels they are better suited for Bellingham to consider sharing a planner. They



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are looking at a part time position to support the Planning Board in each town. These are the two proposals on the board. The application is due July 17, 1992. It would cost Bellingham \$5,000 to pursue.

GG thinks they would be paying the guy more to drive from town to town.

D. Fraine is looking for some direction from the Board as to whether or not they are interested in looking at this. The first year will cost Bellingham \$2,500 and Blackstone \$2,500. The position would not come on board until December 1992. It would encompass a lot of the service which Makram Megalli does and the individual would work with P. Herr.

GG does not see hows a split staff will work.

EM thinks that the individual would be in Franklin all the time.

D. Fraine suggests they look at the Blackstone proposal since the other proposal is geared more towards Franklin's needs. Bellingham can deal more with Blackstone. He will go before the Board of Selectmen for support if the Planning Board is interested. He will not present it unless there is strong support from the Planning Board.

EM asks if there is money available which they can apply to the Health Agent or the Town Engineer.

JM has been on the Board for 15 years. With the consultant, they have been able to control growth better than any abutting towns.

EM notes that they got through the boom time without a planner.

D. Fraine is not here to force this down the Board's throat. He is just presenting the two proposals. The total commitment this year would be \$2,500. That amount would not save anyone's position.

EN feels that Blackstone would be a lot better and easier to work with.

AM thinks that the town would say that the Board does not need P. Herr then.



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GG states that from a planning perspective, Bellingham flows into Franklin.

D. Fraine states that the town has the ability to deal on an even level with Blackstone. They should look at any helping hand they can.

GG states that in the past, the developer would pay if something needed to be looked at. Small scale developments can be looked at by P. Herr and the Board. He does not feel that a planner is needed.

P. Herr asks if this could be done on a second cycle.

D. Fraine responds in the negative.

P. Herr believes that Bellingham has done well but they are operating on borrowed time. A lot of the basic work is not being done. There is no background analysis for demographics. He has been the Board's consultant for a long time. At some point, he will not do it any more. What to do next is the question. His reaction to the Franklin proposal was more positive than the Planning Board's. However, pairing with Blackstone may be better. The town would be getting more planning assistance. The town will not be in a better financial situation a year or two from now. A new institution based in Franklin with part time service to Bellingham will not work. There are other possible configurations. It would be appropriate to wrestle with it further. The proposal is not getting strong support tonight. Everyone knows there are no finances.

EM points out that Franklin only cooperates with Bellingham when it benefits Franklin.

P. Herr notes that they will not get a full time planner to service the Board in the future. P. Herr will not be the Board's consultant forever. The Board could take this occasion to ask D. Fraine to look at the possibilities. The town could have someone who could function and give support in M. Megalli's capacity and do what he does.

EM states that someone who can do one may not be able to do the other.



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D. Fraine indicates that they did receive a nice proposal from Franklin.

NEW ENGLAND COUNTRY CLUB DISCUSSION RE: FOUNDATIONS

JM took the liberty of telling Mr. Brian Pearcey to come in. New England Country Club has not even responded regarding the Board's notification that a public hearing will be held to rescind if the foundations are not cleaned up.

Clerk points out that they did respond. The letter was read at the last meeting enclosing copies of 3 bids which they received. They asked the Board to wait until July when they believe they will have the funds to complete the work. The Board voted at the last meeting to give them until the July 23, 1992 meeting to complete the work. Time is scheduled on the agenda for 9:00 p.m. on that night to further discuss this matter.

D. Fraine states that M. Megalli and the Health Agent have been down looking at the foundations. He thought they had a backhoe down there and were doing some probing. He will check on it.

B. Pearcey asks if this will be the last time frame to be given.

AM states that they have been given until the July 1992 meeting to respond.

F. Herr states that the option would be to advertise to hold a public hearing.

JM does not think that they have a right to use Paine Stgreet because the covenant was not signed.

EM indicates that they were granted relief for Paine Street by the Board of Selectmen. Mr. Pearcey can hire an attorney at any time if he wants to fight this matter civilly. The lots are a health and safety issue and not a Planning Board issue. The guys who said they would clean it up are no longer there.

B. Pearcey believes that it is a Planning Board question because moving the houses was the start of the subdivision.

B. Lord states that the houses were moved prior to the



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subdivision.

GG explains that in order to rescind, the Board will have to advertise and notify all abutters. The problem is that the town does not have the money for that right now. The town is financially strapped.

B. Lord states that there is a simple answer to recission. The bankruptcy will not allow them to rescind.

EM explains that the bank would not sign the covenant so it does not work. He suggests they rezone it back to agricultural.

P. Herr thinks that the Board should consider either recission or rezoning at the July 23, 1992 meeting.

EN makes a motion to put this matter on the agenda for the July 23, 1992 meeting at 9:00 p.m. The Board should ask a representative of New England Country Club to come in at that time.

AM seconds motion. Unanimous vote of 5.

LAKEVIEW FARMS

DISCUSSION RE: DEVELOPMENT PLAN REVIEW

EN states that this was originally approved as a greenhouse/ice cream and vegetable stand. It is now a restaurant. The vegetable stand was closed and the business is now sold.

GG states that the current tenant has a two year lease with an option to buy.

EN states that it is now an ice cream stand and restaurant.

P. Herr indicates that it was not approved with restaurant space.

EN notes that they added parking.

GG asks if the leach field was done to accomodate the restaurant.

AM asks if this is a Planning Board issue.

P. Herr responds that yes, it is a departure from the development



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plan.

GG refers to the agricultural loan which was used to purchase that land.

P. Herr states that the real question is if the Building Inspector authorized this.

GG thinks it was done without Building Inspector approval. They took two garage doors out to accomodate the restaurant.

P. Herr notes that they had to get a restaurant license.

EN explains the situation to D. Fraine.

B. Lord states that the use changed but asks what really changed from the site plan.

EN responds that the state requires that the premises only be used for a greenhouse and vegetable stand.

B. Lord asks what the violation of the site plan is.

EN responds that they added seats which in turn creates a need for parking. He does not know if there is enough parking.

D. Fraine states that they did come before the Board of Selectmen for a transfer of common victual license. J. Emidy was involved in recommending the number of parking spaces.

B. Lord asks if they have to come back before the Planning Board because the development plan has changed.

P. Herr responds in the affirmative.

GG states that the owner had plans drawn up for a mini golf course but the state said no.

JM asks if he would have to come before the Planning Board if he changed the product line in his store.

P. Herr responds in the negative.

B. Lord states that the Planning Board is not the enforcing



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officer.

GG believes that it is a mute issue.

EM reads Section 1421 of the Zoning Bylaw. Did they substantially alter the parking?

GG states that they added 20 spaces.

EM states that the scale for a restaurant per chair uses a different formula to determine the number of parking spaces.

GG states that this is not an issue for the guy who is running the place.

P. Herr thinks that this should be done right away. He will call the Building Inspector and ask if it was done the right way.

JM states that the Board is only concerned if they added 10 spaces to the parking.

EN states that they added 20.

AM notes that they are getting reduced taxes because the owner falls under the agricultural loan. The Board of Selectmen should check on it.

D. Fraine will look into it.

GG believes that the Tax Assessor should look into it as well.

D. Fraine states that the Board of Selectmen approved the additional parking.

RAWSON FARM DEFINITIVE SUBDIVISION DECISION

P. Herr thinks they should take advantage of the fact that D. Fraine is here to discuss the issue relative to street lighting. There are two alternatives to go by; either the Planning Board rules or not to have that many lights.

D. Fraine states that they are looking at having lights at



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intersections/dangerous curves and deadends. They want to avoid shutting off lights. There is an \$82.00 flat fee for the lights. The town can not afford all the lights. He assumes that the town will pick up the cost after the street is accepted.

P. Herr responds that is correct.

D. Fraine further states that the fee is \$82.00 a year with \$300.00 fee to shut the lights off. It is amortized down over a 25 year period.

B. Lord points out that they can have a light at the street line at Hartford Avenue at the entrance, next one at the intersection and the intersection moving up.

D. Nielson states that the plan shows one between at every 300 feet.

D. Fraine states that it should be there only if it is a dangerous curve.

B. Lord indicates that means they would be losing two street lights.

GG points out that they will not need one at the end of Sagamore Road.

D. Fraine thinks they should have one in between two curves.

EN notes that it is a safety faction.

D. Nielson points out that they have poles on the property lines at the area of the curve. They may not be right in the middle as shown.

GG notes that there are no street lights in the Silver Heights development.

AM further states that there are none on Center Street either.

EM makes a motion to approve the Definitive Subdivision for Rawson Farm with street lights at the intersection/curves/cul-de-sac and verification from the state relative to the drainage system onto 495. There will be a waiver for a double entrance to



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a single entrance.

P. Herr thinks they should deal with the issue of the island. It is inappropriate to have one raised and one flush.

EM thinks that both islands should be flush.

B. Lord will have them changed to flat islands.

AM seconds EM's motion of approval with conditions and waiver. Unanimous vote of 4 to approve Rawson Farm (AM, EM, EN and GG).

JM declined to vote since he has not been involved in the public hearing.

JEANNINE COBB

DISCUSSION RE: FINAL APPROVAL FOR DEVELOPMENT PLAN

D. Nielson notes that the Town Engineer reviewed the drainage for the Cobb development plan.

JM reads letter from Town Engineer, dated June 23, 1992 stating that he reviewed the drainage calculations and drainage plans for this plan. The calculations were prepared by Guerriere & Halnon, Inc. of Franklin, dated April 10, 1992. The calculations seem to be in order. The plan submitted is also dated April 10, 1992 and prepared by the same engineer. The plan is marked as sheet 1 of 2 and is to be used for drainage area only. It is his observation that the detention pond encroaches on the 40 foot wide right of way. This should be clarified prior to granting final approval.

B. Lord states that the slope of the detention pond extends to the side of the lot line with the right of way going through. It does not encroach on the road and is used by the New England Power Company. It only affects this individual on his own parcel.

D. Nielson states that they will have a 20' wide gravel road where there was only a 10'. They will be filling the right of way.

EM makes a motion to send a letter to the Building Inspector indicating final approval. GG seconds motion. Unanimous vote of 5.



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SUBMISSION

B. Lord submits an 81-P, Form A, as built plan for Florence Avenue and Dorothy Avenue. He needs signatures to file it at the registry. Both streets were accepted at the Annual Town Meeting.

EM makes a motion to sign, AM seconds. Unanimous vote of 5.

B. Lord presents \$10.00 fee.

WETHERSFIELD LOT RELEASE REQUEST

Clerk presents lot release request and explains that it has been reviewed and approved by Town Counsel.

EM makes a motion to sign the lot release for lot 1218, Wethersfield. AM seconds motion. Unanimous vote of 4 (AM, EM, GG and EN). JM not present during vote.

HERTHEL ESTATES DECISION

Clerk presents decision for signature. She notes that Town Counsel approved the decision with a final revision.

EN makes a motion to sign the decision. EM seconds motion. Unanimous vote of 5.

GENERAL

P. Herr asks if the Board intends to do anything about the zoning articles which were passed over at the Town Meeting. He refers to the Water Resource Map and Text articles.

EM states that they will wait for the Water/Sewer Commission to do something.

P. Herr asks why the other lot of William Way did not get approved.

EM responds that Jeanne Kempton did not show up.

EM states that Paine Street was passed over after a discussion with Town Counsel.



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P. Herr refers to Article 42 which dealt with animals and lots.

EM notes that it was passed over because of the animal part and the question about the number of animals allowed in a duplex or condo. Maplebrook is one lot - who will get the 6 animals?

P. Herr asks about the Portable Sign Amendment. He believes there was a typo which changed the meaning of the Amendment. He will discuss it with Town Clerk.

EN makes a motion to adjourn at 11:15 p.m. EM seconds motion. Unanimous vote of 5 to adjourn.

John P. Murray, Chairman

Anne M. Morse, Vice Chairman

Emile W. Niedzwiladek

Emile W. Niedzwiladek

Glenn E. Gerrior

Glenn E. Gerrior

Edward T. Moore

Edward T. Moore