



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

JOHN P. MURRAY, CHAIRMAN  
ANNE M. MORSE, VICE CHAIRMAN  
EMILE W. NIEDZWIADK  
GLENN E. GERRIOR  
EDWARD T. MOORE

## MINUTES OF REGULAR MEETING

JULY 23, 1992

Meeting was called to order at 8:15 p.m. with Board members JM, GG and EN present. EM and AM were absent. The Board's consultant, Philip B. Herr, was also present.

### SUBMISSIONS

Robert Salvetti submits an 81-P, Form A, for Opus Realty. He explains that they are taking a piece of Mr. Thayer's land to add to lots 6 and 7. It is not a buildable lot.

JM asks if the building is straddling two lots.

R. Salvetti responds that it is.

JM asks why it is straddling two lots.

R. Salvetti responds that they bought two lots but they are not going to subdivide.

GG asks P. Herr for his opinion relative to this plan.

P. Herr responds that it is o'kay for the Board to sign.

GG makes a motion to sign the plan. EN seconds motion. Unanimous vote of 3 (JM, GG and EN).

B. Lord submits an 81-P, Form A for a lot in Rawson Farm subdivision. The only purpose for this is so they can do the work to get a building permit.

GG notes that there is a temporary driveway running here.

B. Lord responds that yes, but it is not going out Hartford Avenue.

GG makes a motion to sign the 81-P. EN seconds. Unanimous vote of 3 (JM, GG and EN).



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John Andrews submits an 81-P, Form A for Fred Deprado on Pearl Street.

GG asks where the existing lot is now.

J. Andrews states that the remaining area is 5 acres. The lot is being divided from the rest of the parcel.

B. Lord explains that the original surveying of the property showed that they had enough room to divide into two parts.

GG makes a motion to sign the 81-P. EN seconds motion. Unanimous vote of 3 (JM, GG and EN).

B. Lord asks for the Board's feelings relative to a motel going in on Hartford Avenue.

JM asks if it would be allowed under the zoning.

B. Lord responds that it is business zoned.

Board members refer to the traffic problems on Hartford Avenue.

## RIVERVIEW PARK, PHASES II AND V DEFINITIVE SUBDIVISIONS CONTINUED PUBLIC HEARINGS

JM reads a letter from Bruce Lord, Esquire, requesting a continuance of the public hearings to January 28, 1993. Fafard will emerge from bankruptcy in August 1992. They need time to undertake changes.

Clerk notes that B. Lord did not include a continuance of the extension for time.

JM asks how they will know that it will be continued on January 28, 1993.

B. Lord responds that the developer is clearly coming out of bankruptcy. He agrees to an extension to February 15, 1993 and annotates same on his letter requesting a continuance.

JM asks what the holdup has been.



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B. Lord responds that the holdup is the bankruptcy. This was directly affected by the bankruptcy. There was no reason to complete it until they owned it.

EN makes a motion to continue the public hearings for Riverview Park, Phases II and V to January 28, 1993 at 8:00 p.m. GG seconds motion. Unanimous vote of 3 (JM, GG and EN).

EN makes a motion to grant the extension to February 15, 1993. GG seconds motion. Unanimous vote of 3 (JM, GG and EN).

### CARYVILLE CROSSING

#### AFFORDABLE HOUSING PROPOSAL

#### GENERAL DISCUSSION WITH ATTORNEY CHIP AGULE

Chip Agule, Esquire is representing the purchaser. They received a comprehensive permit 3 years ago for this development when it was known as Spindlewood. The developer was under the HOP program and the project was never started. CR Trust is owned by Mr. Ronca.

JM asks who owns the development.

C. Agule responds that it is owned by CR Trust, which is owned by Mr. Ronca. It is known as Caryville Crossing. Bill Ronca is the owner. They met with the Affordable Housing Committee who were given a preliminary application for the project. They go before the Board of Selectmen next week. They will submit to EOCD for approval regarding the financing. They will go before the Board of Appeals for a comprehensive permit for a variance.

JM thought they already had that.

C. Agule responds that was a comprehensive permit for the townhouse development known as Spindlewood. This is different. They will have 67 single family homes. They started out with 72. The smallest lot is 8,000 and the largest is 89,000 where the detention basin will be. The average lot size is 14,000. The houses will be 1500 square feet each. They will be colonials placed on the site. 25% of the homes will be affordable for first time buyers. 3 out of 17 homes may be purchased by the Housing Authority if they have the money. They do not have the money now. They will have one barrier free unit. The Board of Appeals looks at the plans and issues one permit. They are here





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to give the Planning Board the opportunity to see what they are doing and to comment before they go before the Board of Appeals. P. Herr looked over the project and prepared a brief description and analysis of the project.

EN (who is a member of the Affordable Housing Committee) notes that the Affordable Housing Committee spent a lot of time reviewing this proposal.

JM asks if it still before the Committee.

EN responds that yes it is. After reviewing it, they found the development to be consistent with the policies as presented and required by the town.

JM asks P. Herr for a synopsis.

P. Herr explains that they are before the Board as a matter of courtesy. The Planning Board will not act on this proposal. They may be conceivably asked to act on it if the Board of Appeals asks for assistance, but they do not have to come before the Planning Board. He prepared an analysis which he passes out to the Board members.

JM notes that if they are not required to come before the Board, he is not looking for them to come.

EN thinks that it is good to be aware of what is going on.

JM understands that the Board may be asked for an advisory opinion by the Board of Appeals.

C. Agule states that the Board of Appeals may ask for some assistance regarding the interior roadway.

JM indicates that they will have to conform to the regulations.

C. Agule points out that they would be asking for a minor variance regarding the street width. They will provide a sidewalk.

JM states that they do not have to give the details now but they do have to comply with the regulations.



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3312. Peak parking will never happen at one time. The worst case scenario will be that there will be people in the church and kids in the center at the same time.

GG asks if there is an island there.

Bill Bissonnette responds that yes there is.

GG asks if it is defined.

P. Herr responds that it is not.

GG asks if both sides are used as entrances and exits or are they defined.

J. Donahue responds that they can be defined.

B. Bissonnette states that they are used as a one way.

JM asks what assurance they will have that they will not have peak demand.

J. Donahue responds that the parish center is for parishioners and will not be rented out. It will be used after mass for coalition coffees and parish functions.

JM asks what happens if they have a spaghetti supper and mass at 5:00 p.m. on a Saturday at the same time.

Nich Winter states that they only have so many people in the parish.

B. Bissonnette states that the parish is not at capacity now. Their fullest mass is at 10:30 a.m.

JM asks how full that is.

B. Bissonnette responds that they are 75% full at that mass. The parish center is for parishioners and religious education which is held during the week and not on Sunday.

P. Herr states that they are asking for 115 spaces. If the parish grows to 150 cars, what will happen to the other 35 cars? There is land above the parking lot. Can they pull out onto the



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grass?

Stan Fabian responds that they will park on Pilgrim Road which is what they did before they built the parking lot.

P. Herr notes that in the worst case some people will be parking on Pilgrim Road. This is not a hit and run operation. He thinks that if there is a problem, they will address it.

B. Bissonnette explains that when the parish put in the original parking, there was no requirement by the town to do so. The parish put it in because they felt it was in the best interests of the parishioners. Father Gilmartin will take care of the situation.

JM asks if there is land available if they need additional parking.

B. Bissonnette states that there is plenty of adequate land to build additional parking. If the parish grows they will have more money to do so.

J. Donahue refers to the state building code which has the maximum capacity for the church at 280 people. At a theater watching operation, the hall will be at assembly. The chances of both happening at the same time are remote. At a bean supper, they may have 188 people, but not 314.

JM agrees.

GG asks what the grey on the plan signifies.

J. Donahue responds that they intend to build new pavement and refurbish the old pavement.

EN asks if this requires any additional public hearing.

B. Bissonnette responds that it does not as far as he knows. They still have to go through the permit process with the building inspector and plumbing inspector.

JM refers to a letter from the Water/Sewer Dept., dated July 16, 1992 which states that they do not see a problem with the plan. The Fire Chief's letter, dated July 22, 1992 shows that he has no



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problem either.

B. Bissonnette states that the parish already paid to hook up to the sewer. The parish has put this expense on themselves.

GG asks if P. Herr has any problems with this plan.

P. Herr states that there were a few items raised such as no kind of dumpster is shown on the plan. If they will have one, it should be shown on the drawings.

J. Donahue states that they do not plan to have one.

B. Bissonnette states that they do not think that would add to the center.

P. Herr refers to the landscaping. The new parking has to comply with the current zoning. He refers to the interior landscaping. It does not make sense to put trees in the center of the parking lot. It will disturb the flow. They could extend the row of shrubs on the west side but that would not be screening anything since there is nothing there. The spirit of the Bylaw is met in the absence of other things.

EN states that they do not have neighbors.

J. Donahue indicates that they intend to maintain as much greenery as possible. They will be careful to save all the big trees.

B. Bissonnette states that they want to keep it as aesthetic as possible. They want to parish center to be an enhancement to what is there now. The church has been in existence since 1895, for 100 years.

P. Herr presumes that the Board is satisfied.

GG responds that they are.

P. Herr suggests that they put a note on the drawings stating that there are no wetlands within 100' being disturbed.

J. Donahue states that the fellow who did the survey is from Uxbridge. There is an undetermined flood elevation. He just





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said that during the 100 year flood, the water will rise a little.

P. Herr notes that the Bylaw calls for the notation regarding the wetlands.

B. Bissonnette states that they can do that.

P. Herr states that across the street a development was built not as it was approved. They used a different drawing than the one which got approved. The Board needs to be clear as to what they are signing off on. The drawing with the appropriate note should be physically endorsed by the Board.

S. Fabian thought that the Conservation Commission would send the Board a letter saying that they were not in the wetlands.

J. Donahue agrees with P. Herr that the Board should approve the plan with all the facts. Their purpose in coming was to resolve the off street parking to complete the documents.

GG notes that the minutes should reflect that all that is left to include is the note regarding the wetlands after which the plan can be signed off at the next meeting.

GG makes a motion to approve the plan for St. Brendan's Parish Center addition with a contingency that a letter be sent to the Building Inspector noting that the final plans will be received at the August 1992 Planning Board meeting with the notation that there are no wetlands within 100'.

P. Herr states that the letter should also state that the Board reviewed the issue of parking and found it to be adequate. The Board also reviewed the interior landscaping and determined that the site conditions are adequate. The letter should refer to Section 3312 of the Zoning Bylaw.

EN seconds GG's motion. Unanimous vote of 3 (JM, GG and EN).

GG instructs them to return during general business at the next meeting on August 27, 1992 at 7:30 p.m.

Clerk asks if the church is exempt from the fee for Developmental Plan Review.



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P. Herr responds that they are not exempt.

J. Donahue states that they will have 33 additional parking spaces.

Clerk indicates that the fee is \$50 for the first ten and \$3.00 per space thereafter. Therefore, the total fee is ~~\$67.00~~ *\$119.00*.

JM wishes them the best of luck.

### NEW ENGLAND COUNTRY CLUB

#### RE: OPEN FOUNDATIONS ON WRENTHAM ROAD

Bill Eberbach is here representing Forge. He is the treasurer.

JM instructs Clerk to send a letter to the Town Clerk stating that Mr. Brian Pearcey, one of the neighbors aggrieved by the Country Club's lack of cooperation with the Town of Bellingham, has done electrical work for the company which he manages. He called the Ethics Commission to ask them if there was a problem with that. They said that there was nothing wrong with him acting on the Country Club as long as he disclosed the relationship to the Town Clerk.

B. Eberbach states that he was here for the first time in February 1992. He understands the problem.

JM states that the work was supposed to be done long ago.

B. Eberbach was not with Forge 3 years ago. The first time he was involved was in February 1992. The Board told them that they would have enough time to be allowed to get bids, copies of which were submitted. They have a buyer for the Country Club. They expect to have the purchase and sale agreement signed within a week with a closing at the end of August 1992 if it is approved by the bank. There are currently two foreclosure sales in progress, one with Marquette Credit Union scheduled for August 10, 1992 and one with Heritage on August 26, 1992. The buyer is trying to work out the details. He understands that the amended covenant relative to the access road was never recorded since Marquette was not satisfied and did not sign off. The buyer is aware of the problems.

JM does not want to hear about Marquette. It would only take a



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couple of thousand dollars to clear up the problem with the foundations on Wrentham Road.

Joseph LaPlante was not aware of the situation previously. He met with the abutter. Arrangements are being made to take care of the problem. The situation should be taken care of by the weekend.

EN asks who is making the arrangements.

J. LaPlante responds that he is taking care of it.

JM asks when they will get started.

J. LaPlante responds that the loam has been brought to the site. The developer had tried to bury the concrete. That is a major problem as well as the drainage. He is having material brought in. Sandy loam will cover the top half. It is washing in to the abutter's yard and the wetland. The original material washed into a 3' gulley. They dumped loam over that but it was not able to be maintained and mowed. Two days before this meeting, he had the weeds cut down and had a couple of loads of loam brought in. He is having 3 more truckloads brought in. The drainage problem is a large concern. It will be taken care of.

B. Pearcey asks if it will be maintainable.

J. LaPlante responds that they intend to maintain the entire site. The asphalt driveway will stay.

JM asks why they can not dig up the asphalt.

J. LaPlante states that the problem with the drainage will be taken care of. There is concern about the holes but the drainage will be taken care of.

JM asks the purpose of having the driveway stay.

J. LaPlante responds that it is a building lot. There is a 6" outlet wall for the drainage. The developer tried to put in a 4" drain. He will put in a 6" pipe.

B. Pearcey acknowledges that he and Mr. LaPlante did speak about this problem and came to an agreement.



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J. LaPlante notes that the pipe will be delivered today. It will be done by the weekend.

B. Pearcey states that Mr. LaPlante proposes a catch basin to collect the runoff and to channel it away from the land as well as grading, seeding and loaming. That is fine with him. He is leary at this point.

GG asks if this is the first time someone has spoken with him in person.

B. Pearcey responds that no, Mr. Souza did speak with him.

GG notes that Mr. Souza was an employee of the Country Club. Mr. LaPlante has an interest.

J. LaPlante apologizes to Mr. Pearcey on behalf of New England Country Club.

GG states that he thinks they can trust Joe's word when he says he is trying to solve the problem.

J. LaPlante points out that there has been a lot of litigation going on relative to this project. The problem will be taken care of. He thanks the Board for not making a motion to withdraw and he asks to be given one month to solve the problem.

GG has no problem with the extension. He can take Joe's word since he has known him all his life.

B. Eberbach states that this is the first he heard about this. The buyer is someone who knows how to run a golf course and has experience.

EN asks about the subdivision.

B. Eberbach does not know about that.

GG asks if the sale is for the whole thing.

B. Eberbach responds that it is.

B. Pearcey asks if the lots next to him will go with the sale.



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B. Eberback states that they will. When it is sold, the covenant will be recorded. The covenant requires that the lots on Wrentham Road be fixed.

JM wants to make sure that the problem is corrected. It is not a big money deal.

B. Eberbach states that they received bids of \$15,000.

J. LaPlante states that he will correct the problem whatever amount it takes. It will get done. It is not his intent to appease the abutter, but to satisfy him.

EN asks about the running of the golf course.

B. Eberbach states that they have a management company that does that. He represents Forge's interest in New England Country Club.

JM reviews the copies of bids which were forwarded from Forge.

J. LaPlante assures the Board that the problem will be taken care of by the next meeting.

NEW ENGLAND BONSAI  
WAYNE SCHOECH  
S. MAIN/NORTH STREETS  
DISCUSSION

W. Schoech explains that they are purchasing a piece of land and moving their company to Bellingham.

GG states that it is the old Cournoyer farm.

JM asks who owns the property now.

W. Schoech responds that a relocation company owns it now. As of tomorrow, his company will own it.

GG asks what they will do with the old house.

W. Schoech states that they will use it as a residence for the caretaker.



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GG asks about the barn.

W. Schoech responds that it will sit for now and they will use it for storage. They may apply for a permit to renovate eventually. They do wholesale and retail sales of Bonsai trees. The wholesale is done through mail order shipping and they have a walk in retail business.

GG asks about the off street parking.

W. Schoech states that they have tentative plans which they just started discussing. They intend to come in to the next meeting with plans. They have hoop houses with a gutter connected and a rigid wall. The rigid wall and main greenhouse is for the display and work area.

EN asks if they grow all the trees.

W. Schoech responds that most are grown by them. Some of the older pieces are bought in. They grow, prune, repot and sell.

JM asks if some of the plants can stay outside.

W. Schoech responds that yes, some can. They need protection but not from the cold. They have unheated hoop houses for them but the tropicals need to be protected from the cold.

GG asks about the zoning.

W. Schoech states that the strip is suburban and the rest is agricultural.

EN asks if it will be along North Street.

GG states that it will be along S. Main Street.

W. Schoech is here to ask if they can put up temporary hoop houses to protect their plants until they receive approval to go ahead.

EN notes that it requires a public hearing.

P. Herr indicates that it requires a Developmental Plan Review.



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W. Schoech explains that they have 4 hoop houses. They will keep the other space open for the larger facility.

B. Lord believes that they have to apply to the Board of Appeals for a temporary structure.

W. Schoech states that it is his understanding that according to Chapter 40A, Section 3 of the State Ordinance, he does not have to do that. Since the plastic hoop houses are considered farm equipment, he does not need permits.

B. Lord states that the structure falls under Bellingham zoning.

P. Herr asks if he is seeking permission to sell from the hoop houses.

W. Schoech states that is a secondary issue. First they are asking for permission to grow and store them.

P. Herr asks if there will be retail cars coming in.

W. Schoech explains that they just want to shelter their plants for one month. Since it is agricultural use, he does not think that he needs a special permit.

B. Lord believes that the answer falls under the definition of farm which he reads.

P. Herr notes that the question is if putting up the hoop houses triggers Developmental Plan Review. He thinks not but sometimes people make promises and do not keep them. They would be doing it at their own risk.

EN does not want them to say they are going to do the DPR in one or two months and then start selling the plants without the necessary permits.

W. Schoech states that they intend to transplant their business here.

GG states that they can do the Developmental Plan Review at the next meeting. He asks if they have an engineer.

W. Schoech responds that they did have one but he does not know



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for sure.

P. Herr states that the question tonight is if there is a problem if the plastic hoop houses and trucks show up on the site.

GG understands that he is worried that the plants can not survive the move and have to be protected.

JM states that it is not realistic for them to be selling in one month.

W. Schoech is hoping they can begin to put up their building by the end of August 1992. They would like to be done by the end of August 1992. It is not a major building. It is all prefab.

B. Lord asks about the foundations.

W. Schoech states that they are cason. It is essentially a portable structure.

EN asks if it is a new structure.

W. Schoech states that the main greenhouse is all new. They own 3 hoop houses which they are moving. They will be purchasing a 4th.

JM asks where they are moving from.

W. Schoech responds that they are moving S. Natick. Their lease expired. They did not fit in with the new owner. That agreement will come to an end at the end of September 1992.

P. Herr explains that he wants to go to the Building Inspector and ask for permission to erect farm equipment on the site if the Planning Board takes exception. This does not involve 10 parking spaces and there is no building floor area.

EN states that no traffic will go there.

P. Herr indicates that there will be no retail traffic.

EN states that they can do this without a problem since it is zoned agricultural.





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P. Herr thinks it is just procedural. He sees no problem with this.

GG makes a motion to send a letter to the Building Inspector stating that the Planning Board sees no problem with the owner placing hoop houses at the site of S. Main St. and North Street since the New England Bonsai will be coming in for Developmental Plan Review on August 27, 1992.

W. Schoech states that the hoop houses will not be visible at all from S. Main St. since it is heavily wooded. It may be visible from North Street. There is only one neighbor. They are willing to screen. He talked to the neighbor, Mr. Hines, and offered to put up screening.

GG thinks it would be to their benefit to screen.

JM notes that the reason why they are allowed to put up the hoop houses is because they are considered farm equipment.

W. Schoech states that the other issue is if some of their retail customers find them, can they be allowed to come into the hoop houses and purchase until they are finished with the building?

P. Herr responds that they have to finish the drawing and bring it in for approval. Afterwards, they can get all the retail customers that they want.

W. Schoech asks if they can sell in the interim.

P. Herr asks if it would be serious retailing. He asks how incidental it would be. He understands that they conduct classes for people who learn how to take care of bonsai plants. The town's concern is not that they have the building but that the points of egress are reviewed as well as the parking and screening. The real factor is that the review be done before the retail.

GG suggests that he get the plan to P. Herr before the meeting so he can comment and get back to the Board.

W. Schoech states that his partner is Hitoshi Kanegae and the company is New England Bonsai.



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GG thinks that this is a nice location for what they want to do.

### RAWSON FARM DECISION

Clerk states that the decision was given to L. Ambler for his review but no response was received yet. She asks if JM can sign the decision since he did not vote on the subdivision.

B. Lord states that JM can sign pro forma. If the Board does not sign tonight, there will be another 30 days.

GG indicates that they can sign it and Clerk will hold it until they receive Town Counsel's response.

P. Herr states that if it is not proper for JM to sign, it is their problem. Clerk will ask Town Counsel about JM's signature.

B. Lord refers to the last paragraph relative to easements.

P. Herr reads qualification #3.

GG makes a motion to sign the decision and have Clerk hold it contingent upon approval by Town Counsel. Decision to be forwarded to the Town Clerk to start the 20 days appeal period if it is o'kay with Town Counsel. EN seconds motion. Unanimous vote of 3 (JM, GG and EN).

### GENERAL

P. Herr asks if he was asked to draw an article to rezone the New England Country Club land.

JM responds that he was.

EN and JM ask him to wait on that until the next meeting.

B. Lord states that Marquette is foreclosing on 22 lots on August 14, 1992. Kemper is the buyer. They are buying for the golf course.

EN asks if they can sell the golf course to one person and the subdivision to another.

P. Herr explains that the subdivision is not much value since



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there is a lot of costly road work involved.

Clerk reads letter from the Charter Commission asking for a Planning Board member to attend their August 12 and 26, 1992 meetings.

JM instructs Clerk to ask EM if he will be able to attend.

GG thinks that everything works fine the way it is. He thinks the town will be setting itself up for liability problems which will arise in the future because people are not qualified. There is no incentive to be on a Board.

EN states that is why they may want them to be appointed.

P. Herr thinks that is a disaster a lot.

GG states that the Planning Board may meet once a month.

P. Herr states that is not a common practice. 81-P plans would have to wait a whole month.

EN does not think that they can just appoint to a Board. He thinks that town officials should be elected.

EN makes a motion to adjourn the meeting at 10:25 p.m. GG seconds motion. Unanimous vote of 3 (JM, GG and EN).



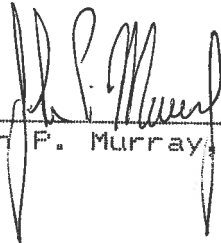
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John F. Murray, Chairman

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Anne M. Morse, Vice Chairman

  
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Emile W. Niedzwiedz

\_\_\_\_\_  
Glenn E. Gerrior

  
\_\_\_\_\_  
Edward T. Moore