



# 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

AUGUST 27, 1992

Meeting was called to order at 7:50 p.m. Board's Secretary EN acted as Chairman until Chairman JM arrived. All members except AM were present. Board's consultant, Philip B. Herr, was also present.

ST. BRENDAN'S PARISH  
PARISH CENTER ADDITION  
DEVELOPMENTAL PLAN REVIEW  
REVIEW AND APPROVE FINAL PLAN

William Bissonnette explains that they were told to come back with the final revised plan. They already gave the check for the fee in the amount of \$119.00 to Clerk.

Stan Fabian states that there is no signature block on the plan.

W. Bissonnette points out the block on the plan where it states that there are no wetlands within 100' of the project area.

GG makes a motion to stamp the plan approved. EM seconds motion. Unanimous vote of 3 (GG, EN and EM) to stamp the plan approved.

DISCUSSION WITH PAUL BOULIANE  
OVERLOOK DRIVE

Paul Bouliane presents a plan and explains that he would like to subdivide lot 9A and 10 Overlook Drive to construct a duplex house for his parents. He points out the lot that he lives on and the proposed cul-de-sac. Mr. Halnon of Guerriere and Halnon told him that he meets all the requirements.

EM asks if this is by the Pumpkin Seed.

P. Bouliane responds that it is in the middle of the street.

EM asks if he has two lots.

P. Bouliane responds that he has one lot now.



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P. Herr states that there is not much frontage.

EM states that there is 100 plus feet. Does he have enough for a backlot special permit?

P. Herr suggests he try the Board of Appeals to get a variance.

P. Bouliane states that Mr. Halnon felt that a backlot was not going to work.

GG thinks it would be in the better interest for the Board of Appeals to grant a variance. It would be in the Planning Board's interest to send it on.

P. Bouliane would rather do this than ask his neighbors permission to build.

P. Herr notes that it is Mr. Bouliane's right to submit to the Planning Board and for the Board to approve it. It is too bad because it would be better to send it to the Board of Appeals.

GG thinks that would be the cheaper alternative.

P. Bouliane is concerned about time.

EM states that he could go to the Board of Appeals and ask them what he can do.

P. Bouliane is here for advice.

GG thinks it would be in the best interest of the Planning Board to send a letter to the Board of Appeals.

P. Herr points out that at 8:30 p.m. tonight the Planning Board will hear this same issue regarding North Main Street. Mr. Bouliane may want to sit in for that public hearing. He anticipates that people are opposed to that developer doing it.

GG thinks it would be better to go both routes and submit to both the Planning Board and the Board of Appeals. It would be better not to get the road built.

P. Herr believes that it would be unlikely for Mr. Bouliane to get turned down here.



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EN states that the Board could send a letter to the Board of Appeals.

EM notes that Town Counsel has said that is not a good idea because the Board would be putting pressure on the other board.

GG thinks that the letter should state that he came before the Planning Board and that the Board recommends it.

EM asks what is required for the variance.

P. Herr is not sure but he is no where near the requirements.

P. Bouliane states that it is 94' on the frontage.

P. Herr states that if people do not want the house near them, the Zoning Board of Appeals can require that he put it in a certain place. The ZBA can protect the neighbors. They have a simpler process. This is not a bad location.

P. Bouliane will apply simultaneously.

GG instructs Clerk to prepare a letter to the ZBA stating that this proposal was put before the Planning Board. It meets the subdivision regulations. The Board felt it is in the best interest to submit to both Boards simultaneously.

Clerk states that Mr. Bouliane should contact her after receiving the abutters list to set up a time for the public hearing.

EM asks if both the Planning Board and ZBA notices of public hearings can be sent certified mail in the same envelope to save Mr. Bouliane money.

P. Herr states that it can be done if the Clerks of both Boards coordinate.

### NEW ENGLAND COUNTRY CLUB WRENTHAM ROAD FOUNDATIONS

Alan Sawyer lives on Wrentham Road. New England Country Club has not done anything about the foundation next to his house.

EN notes that they were given until this month to complete the



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work.

A. Sawyer notes that they are now going to foreclosure. They put fill in the lot next to Mr. Pearcey but did not touch the land next to him.

GG states that at the last meeting which Brian Pearcey attended, they were assured that the lot next to him would be fixed.

A. Sawyer states that they did put loam in but it will wash away with a good downpour. There are two poles sticking out of the ground where a clothesline used to be and there are potholes.

EM thinks they have to wait to see who the new owner is.

GG thinks it would be in Mr. Sawyer's best interest to contact the Building Inspector to determine the safety issue.

P. Herr notes that the Board knows that they are not going to do anything.

EM states that the new owners will have to take care of it. They will not receive permits if it is not done.

Bruce Lord, Esquire, talked with the bank last week. The mortgage is held by Heritage Bank in Holyoke for \$10 million. 23 acres are held by Marquette for \$532,000. Heritage Bank has the property up for auction on September 10, 1992. 4 different groups have been interested but there are no serious buyers. Marquette was supposed to auction off their part two weeks ago but held off. It is not worth \$10 million. Heritage foreclosure is for the whole thing with the exception of Marquette's part.

GG notes that now there is no owner. When there is a tangible owner, there will be someone to look to to get the work done.

B. Lord explains that the golf course is rented to Kemper for 5 years subject to the mortgage for a minimum dollar amount. It is a maintenance contract.

GG states that once there is a new owner, permits can be held back.

B. Lord believes that it will be at least until November 1992



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until there is any action. The auction will be held on September 10, 1992 and then it will be subject to a closure.

GG states that if it is a safety issue, maybe the Highway Dept. can look into it.

B. Lord indicates that the question is what kind of issue it is. Is it a health issue or a conservation issue?

A. Sawyer is concerned that someone will step on the land and hurt themselves, especially at night.

GG thinks that they have to wait for the new owner.

A. Sawyer points out that this has been going on since 1988. He will talk with the Board of Health.

B. Lord states that they have more strength than this Board.

P. Herr suggests that he go to the Board of Selectmen to solve the safety problem. They can ask others to get on the stick.

Larry Cibley asks where the hole is.

A. Sawyer responds that it is near 211 Wrentham Road.

L. Cibley will go down there tomorrow. It is private property. If someone gets hurt, it is not the town's fault. He has a talk show on cable. The general manager for the golf course will be on Tuesday night. He suggests that Mr. Sawyer may want to call in and ask him questions.

## NEW ENGLAND BONSAI SOUTH MAIN STREET/NORTH STREET DEVELOPMENTAL PLAN REVIEW

E.K. Carlson, Land Planning introduces Wayne Schoech, New England Bonsai. They have two existing buildings. The older home is at the corner of North Main Street and North Street. It will be housing for several employees.

W. Schoech clarifies that they will have a caretaker living there.



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GG asks if that is in the house and not the barn.

W. Schoech responds in the affirmative. The barn will be renovated eventually.

EM asks what it will be renovated for.

W. Schoech is not sure yet, it may be office space.

GG asks if that is office space for another business.

EM asks if he plans to use it for housing at some time.

W. Schoech responds that they have no definite plans.

EM asks what the zoning is.

W. Schoech states that it is residential/agricultural.

P. Herr states that should be shown on the plan but it is not a substantive issue.

GG explains that Mr. Schoech was in at the last meeting. He is putting up the greenhouses at his own risk. The hoop houses are going up so there has been construction there. It should be reflected in the minutes that this is all being done at the owner's risk.

W. Schoech did get building permits.

GG asks if the plan meets the parking requirements and the lighting requirements.

E.K. Carlson responds that the plan shows the parking and lighting requirements in the Regulations. They have a total of 3,000 square feet of retail/office space with 12 spaces required and 4,000 square feet for wholesale with 8 spaces allocated for that.

EM states that this plan does not show that.

E.K. presents the up to date plan showing the parking. The total requirements for parking are 29 spaces. They rounded it up to 32 spaces.



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JM joins the discussion at 8:20 p.m.

GG asks if they have any parking for the barn.

E.K. responds that there is none at all. If they use it for commercial retail in the future, they will have to design the parking.

GG asks if there is room for another 6 spaces.

E.K. responds that yes, there is definitely room.

EN asks if there is any wetland.

E.K. responds that it is flagged marked on the plan. The Conservation Commission did a site walk and reviewed the plan. There is comfortable use in the buffer zone. They are scaling back the driveway.

EM asks about the building.

E.K. responds that it does cross the line. They will file a Request for Determination. It is an agricultural structure.

W. Schoech states that it is classified as farm equipment.

EM states that it is still within the buffer.

E.K. states that the Conservation Commission wants a berm or something erected to keep the gravel contained in the area.

GG indicates that this was all farm land before. The gravel will filter water quicker than loam. He asks about the lighting.

E.K. responds that they were created by the regulations. All lights except one will be placed on the building.

EM states that the lights should be directed toward the building instead of off.

E.K. notes that they need to get a detail for the Planning Board and clean up the lighting.

GG asks if the 9 square foot sign is in the regulations.



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E.K. responds that it is.

GG asks if the sign has to go before the safety officer as far as placement because it is a corner.

P. Herr does not think it is allowed to be there.

GG asks if it has to be 10' off the edge of the property line.

P. Herr states that no, the sign has to be within 10' of the street line unless it allows clear vision within 6' above grade. A raised sign is o'kay. If not it has to be put back a few feet.

GG believes that a raised sign would be in the best interest of the town because of the intersection. North Street is a heavily travelled road. He wants to make a determination in the approval that the sign be 6' up or 10' back from the street line.

P. Herr notes that the street line is the property line. The question is if it is o'kay not to pave the parking. The Planning Board has the authority to waive.

E.K. responds that it is their intent to pave to the gate on the entrance to prevent the gravel from being kicked off to North Street.

EM asks how they will differentiate the 32 parking spaces on the dirt.

GG states that another condition should be that they have 32 wheel stops put in place to define the parking spaces. He asks about screening. Is the neighbor expecting screening? He should have a meeting and talk with him to find out what kind of screening he would like. A desiduous treet is great but it does not screen anything. Putting it 30' on the center is not going to give any screening.

P. Herr notes that the house is close to the property line but is higher.

W. Schoech wants to put up screening to serve the neighbor's needs and screen their nursery out for him. They agree to plant whatever it takes.





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P. Herr suggests that also be made a part of the motion. The plan should be brought back to the Planning Board.

EM states that they should spell out what the screening will be.

E.K. used the sideline requirements. That is how he ended up with the distances.

P. Herr notes that the requirement states that they should specify what the screening is. They need to come back.

E.K. states that they are willing to landscape in a way which is appropriate for everybody.

P. Herr suggests that they come back when they have all this sorted out. He refers to the main entrance and the service entrance. What is the difference and what does each do?

E.K. responds that it is their intent to provide access for service vehicles to the greenhouses. The existing entrance is the main entrance. The service entrance will be gated and locked.

P. Herr explains that the rule says that an entrance which serves parking areas of more than 20 spaces has to be 250' or more. This is a service entrance which will have occasional traffic. There is a lot of traffic on North Street. Too bad they can't swap land with their neighbor to come out at a better angle.

EN asks if the existing barn is turned into office space, will the service entrance be used for the office space parking lot.

E.K. states that it is not too hard to have the existing entrance used for the office space for separate access to the barn. They could have a possible space or two in front of the barn. They could come off North Street and drive right up to the barn.

GG asks about the entrance of the angle off North Street.

P. Herr responds that it is o'kay.

GG asks about a trailer truck making the turn.

P. Herr states that it might not make the swing.



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W. Schoech notes that his neighbor thinks that the property line is along the fence. He is going to be real surprised. Maybe they can swap.

EM refers to Section 3533 which refers to the parking area planting.

E.K. asks if it is possible to approve the plan subject to the revisions.

EN would rather see the revisions.

E.K. states that their primary concern is to continue with their efforts. They are trying to time it properly.

EM notes that they are building at their own risk.

JM thinks that everything is workable here with regard to lights/plantings/parking. There are no major issues.

P. Herr noticed a concrete structure. He asks about the manhole.

W. Schoech responds that the manhole was put in at the request of the Water Dept. who asked them to bring the water across the street. They brought a 2" line across the street and had to put in a manhole with backflow.

B. Lord explains that there is a new requirement regarding the backflow. The Water Dept. is making all businesses do this. The remaining issues are detail of lighting, specify landscaping and zoning district boundary.

GG states that also the sign has to be 6' off the ground and they have to have bituminous on part of the gate and street. It should be put on the plan that they will denote the concrete curbing. It can be put as a key in the legend.

P. Herr suggests that they send him a plan before the next meeting because he will not be at the first meeting of the month.

DONOVAN COURT  
DEFINITIVE SUBDIVISION  
NORTH MAIN STREET  
PUBLIC HEARING



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JM takes over as Chairman.

Clerk reads notice of public hearing.

JM explains procedure to the audience. The applicant will make their presentation, board member questions and audience questions. Audience is instructed to raise their hands with a question, wait to be acknowledged and identify themselves prior to asking questions.

EM asks Clerk if there was a preliminary on this.

Clerk responds in the negative.

Al Florentz explains that they are proposing a two lot subdivision off North Main Street. There is 150' of road with a small cul-de-sac with a 50' radius. They will be tying into the public water. They will have a leach field because they can not tie into the sewer because of the elevation. There is a dry line sewer now anyway. The drainage will consist of two catch basins, leaching basins. It is gravelly soil with less than two minutes to leach.

GG asks how close they are to Horseshoe Drive and High Street.

John Donovan, applicant, responds that they are directly across from Oakwoods.

P. Herr notes that it is offset.

A. Florentz states that they have been to the ZBA for a variance to build a single family lot without the road. He presents an Assessor's map for the Board's review. He submits a list of waivers including having a 16' pavement instead of 20'; 80' diameter turnaround instead of 100'; and 100' instead of 120' inside diameter.

EM states that the Highway Dept. may feel that they need the required amount because of the snowplows.

A. Florentz identifies the last waiver as requesting no sidewalks.

JM reads letter from the Fire Chief, dated July 29, 1992, stating



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that the plan shows a 6" water main going down the street. After conferring with the Water Superintendent, Mr. DiMartino, it appears that the Water Dept. will propose they install a water service in lieu of the water main where only one house which will be serviced. According to the plans there is a hydrant on North Main St. which would be approximately 350' from the proposed house. He has no problem with the service as proposed by the Water Superintendent. However, if the applicant does in fact put in the 6" water main, he would require a hydrant be installed at the circle at the end of Donovan Court.

JM reads letter from Donald DiMartino, Water Superintendent, dated July 27, 1992 stating that the Commissioners would like to see all water mains looped, in order to keep stagnant conditions from forming. Dead end water mains, such as this proposed line with only one house connected to it, will no doubt cause a water quality problem. As this development appears to only add one lot, an acceptable alternative would be to install a single 1" service line tapped into the 10" water main in North Main Street. If for some reason the developer insists on a 6" line, they would like to see it looped. At a minimum a hydrant will be required on the end of the line. Also the tap should be done by the use of a tapping sleeve and valve and a line gate should be installed about five feet before the end hydrant. These plans do not indicate any connection to the new sewer line in North Main Street.

J. Donovan states that in lieu of the 6" water main, he will run a 1" line to the house because that is what the Water Dept. wants.

JM thinks it would be good to hear from the Highway Dept. The Board should send them a letter asking about the turnaround.

P. Herr notes that it will not do for big trucks. The street is really a driveway.

EM points out that the Highway Dept. will have to plow and maintain the road if it is accepted as a street at Town Meeting.

P. Herr states that this has the same issues as the plan previously discussed. There is a great deal of pavement and disruption for one house. The dimension of the cul-de-sac is the only substantial issue. There is no catch basin at the



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intersection. Water will come down North Main from the south. It will come down and there is nothing to prevent it.

J. Donovan went before the Zoning Board two years ago. He has 200' of frontage and 250' was required. He was forced to take this route. He was here with a preliminary sketch. The eyelit plan did not fly.

EN asks if the idea for the frontage is so the applicant can gain frontage.

J. Donovan replies that is correct.

EM asks if the plan is shown as required or with the requested waivers.

A. Florentz responds it is with the waiver.

EM asks if it works without the waivers.

A. Florentz responds that it does not.

P. Herr states that the space with the grass strip is smaller and the section with the curb is smaller for a truck to turnaround.

GG points out that the question is whether or not the Board is willing to give the waivers.

JM states that they should consult with the Highway Dept. before considering the waiver.

EM thinks they would be setting a precedent for someone who may come in with a 5 lot subdivision.

GG points out that this is why it is good for the town to have a planning consultant. Mr. Herr pointed out something which the developer's engineer did not.

EM states that this subdivision works if they do not use the subdivision requirements. The Board has to hear from the Highway Dept. There is no problem with the sidewalk waiver but there is a problem with the catch basin, street widths and diameter.

Mr. Collins, 108 N. Main Street, asks what the number of feet



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from the road to the wall is since the driveway is circling around.

EM states that is from the sideline.

A. Florentz responds it is 10'.

Mr. Collins states that if the snow is pushed from the road onto the wall, it will fall over. His house is 29' from the wall. The rocks are loose. He asks if the leach field perced in front.

A. Florentz responds that it was perced in the middle.

P. Herr indicates that it is hard to read the drawing in that little space. It appears that the grading up the wall exceeds the allowable slope.

Mr. Collins believes that there could be a water problem.

A. Florentz states that by getting smaller pavement it should be better. The plan indicates the size of the circle drawn with the waiver but not with the sidewalks and road coming in.

EM thinks that the plan has to show what is required.

A. Florentz will change it if they get the waiver.

GG asks why the plan was drawn with one waiver and not with the others they are requesting.

A. Florentz states that it should be 20', but they are proposing to draw it at 16'. It is a hybrid drawing.

Mr. Collins points out that the sidewalk is flush up against the wall on the boundary line.

A. Florentz states that the grass strip and sidewalk are curbing the pavement.

Mr. Collins believes that it is touching the stonewall. He asks if they are not allowed to go so many feet from the boundary line.

A. Florentz responds that yes but it is not in the regulations.



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They are filling 3' of the deepest part.

Mr. Collins points out that if they are filling the land it will take more than 3' to fill.

A. Florentz states that the road is going down 3'.

Mrs. Russo lives down the hill in back of this property. She gets a lot of water when it rains. She is tired of construction and has a lot of problems with water now.

JM asks what affect construction will have on Mrs. Russo.

Ron Kershaw, professional engineer, states that he analized the increase in runoff created. He proposes two 6' diameter leaching catch basins in the cul-de-sac. It will absorb and leach the increase in runoff down to the pavement.

JM points out that the Highway Dept. does not want to accept the leaching catch basin in this town.

P. Herr notes that if it is accepted it will have to be a cross connection so if one overfills it will flow into the second. The catch basin will have to be connected to the leaching basin outside of it within the easement because there is a sump in the catch basin.

JM questions if there will be an increase in runoff to Mrs. Russo.

R. Kershaw responds that no it will not because another method will be proposed.

J. Donovan notes that the land has a less than two minute perc rate.

GG states that it may not perc in heavy rain.

J. Donovan discusses runoff from the house. He could have drywells around the house which would be trenched and piped into the drywells. He will do whatever he has to.

Edward Fisher, Ruth Ellen Road, has lived for 30+ years in Wethersfield. The previous owner of this property used a machete



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to take down the underbrush. The water would come down in sheets. This applicant will want a backyard which will be cleared. His house will end up under water. He dug in front of his house down 10' and then he was in a bucket of water. He had an 8 1/2 foot pool which was ruined by the water table and was pushed up. He asks if the applicant will be using the existing house. Why doesn't he take down the existing house and build one house if it is for his own use?

J. Donovan notes that he can not have more than two houses on the property because he has to have 20,000 square feet per lot.

EM notes that the existing house is clearly a for sale lot. No one could object if the applicant wanted to build one house at the top of the hill.

E. Fisher notes that leaving it all in an overgrown state has kept the water back. He asks if Mr. Donovan would be standing in his place if he lived where Mr. Fisher does.

J. Donovan responds that possibly he would.

GG notes that if Mr. Donovan wanted to knock down the existing house and clear his lot, that is his right as a homeowner. He could do it and no one could object.

JM asks why the lot was left so big.

<sup>Borkowski</sup>  
Rose ~~Bakowsky~~, 118 N. Main St. states that the farm lady wanted to keep it big.

GG states that it comes down to whether or not the Highway Dept. will approve the requested waivers.

E. Fisher notes that this could become a civil matter.

<sup>Borkowski</sup>  
R. ~~Bakowsky~~ states that the existing house is now for sale. They will have two homes there with septic and water. This is not just a matter of asking for one variance or waiver of one rule for the regulations. This applicant is looking to break rules in five or size different areas. She asks why the town sets rules for building if they are willing to break so many to build one house. Mr. Donovan wanted to buy her frontage but she wanted to keep it. How can he build now?





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EM responds that he can't build unless he gets the waiver.

J. Donovan is selling the existing house and plans on moving into the back house.

Mrs. Russo thinks there are too many houses now. They are quiet retired people.

Mr. Collins notes that a 51 foot variance was turned down for this proposal. How can he turn around and present it here?

A. Florentz responds that they are applying for a subdivision now. Before they went to the Zoning Board of Appeals for the variance.

Mr. Collins points out that the driveway abutts right on the property line.

EM notes that the applicant is gaining the 51' of frontage on the road by doing the cul-de-sac.

GG indicates that this is not a driveway. If it was it would not have any frontage. The road gives it the frontage.

Mrs. Collins points out that after a storm they have to go out and clear out around their house. They have been there 26 years.

Mr. Collins states that there was a water problem on N. Main Street before the road. The people across the street and people next to him have water problems.

R. Kershaw states that they can reduce it because it is down hill.

Mrs. Collins does not care if they build a house but does not want water.

EM states that if a driveway is better than a street and cul-de-sac, the applicant could have done that with a variance but it did not meet the requirements. The driveway would be better than a cul-de-sac and street. The applicant would maintain the driveway but the town would have to maintain the street if it is accepted at Town Meeting. In order to gain frontage, the applicant had to go this route.



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Mr. Collins indicates that the sidewalk touches the boundary line of the stone wall. If it gets pushed over, he will get water.

JM asks where the applicant would have put the house if he had gotten the variance.

J. Donovan responds that it would have been in the same area.

Mr. Collins points out that the applicant did not have the frontage and footage for the variance. The main reason it was turned down was because the drainage will run into Wethersfield.

A. Florentz states that they could solve that problem.

J. Donovan believes that they can make it better.

Mr. Collins points out that if they put a house in and clear the back land, the neighbors will get flooded.

J. Donovan states that there is a natural grade. There is no fill in the back.

Mr. Collins states that the fill will increase the runoff.

R. Kershaw asks why the fill will increase the runoff.

Mr. Collins indicates that the wall will be pushed over by the snow which will be plowed from the road. Then he will have a water problem.

Mrs. Collins states that there is a hole which collects the water. If they fill the hole, the water will no longer go there. It will go right to their playroom windows which sit right on the dirt.

R. Kershaw states that the low point will still be there.

A. Florentz states that they are proposing to have the house off to the back. If anything it will cut off the runoff.

GG states that the water will be slowed down by the natural grade.

A. Florentz would think that there would be less water. The fill



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is for the road and not the house. The hole will be filled in for the house.

P. Herr points out that there is concern about the existing natural vegetation if it is removed and replaced with lawn. He is not talking about filling where the house is.

R. Kershaw states that they can have galleys and drywells to incorporate the roadway. The drywells will be in the backyard to drain the yard and catch the storm water.

GG refers to the high costs for the road and many cubic yard area drywell.

R. Kershaw states that they would not build it if it would not be cost effective.

P. Herr notes that they do not show a subdrain in the back of the lot.

R. Kershaw states that it is not necessarily part of the subdivision plan.

P. Herr states that it is not, but it may be. The two leaching catch basins are not acceptable.

R. Kershaw is asking for guidance as to what is acceptable.

E. Fisher points out that Mr. Donovan has been an excellent neighbor. He wants to see him have what he wants but he does not want it to hurt him. He would have to be able to put something in the back which would take care of a storm which would dump hundreds of gallons of water onto his property.

Mr. Collins states that the applicant could put stuff in the ground and then sell the two houses. The neighbors are stuck with the problem.

GG notes that there has been a change in command in the Highway Dept. Gerry Daigle has retired. W. Arcand will have to review the plans and look at the problems.

? asks if there is a possibility that anyone could put another house in.



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A. Florentz responds that is not possible because they would need 20,000 square feet.

JM notes that if this applicant came in with a plan which met the requirements, the Planning Board would have to approve it.

P. Herr points out that the curve radius on the south side line is not nealyr what is required. They are accomodating by moving the street to the north. It depends on whether or not the Board waives the sidewalk or if they want the sidewalk on one side.

EM does not thinks that the sidewalks seem necessary but he does not know how the Highway Dept. will feel.

P. Herr thinks it would be negative to have a sidewalk there.

EN makes a motion to continue this public hearing to September 24, 1992 at 8:15 p.m.

E. Fisher notes that if Mr. Donovan builds a house, the abutters would be able to seek recourse with a civil action.

EN notes that is correct but right now the Board is not approving anything.

E. Fisher understands but thinks that it should be emphasized.

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

## RAWSON FARM

### DEFINITIVE SUBDIVISION

### SIGN PLAN

### REVIEW FORM F COVENANT AND PERFORMANCE BOND

B. Lord presents a Form F covenant and plan for signature. He has a letter requesting release of lots and the posting of a bond with a letter showing the estimates of work for \$283,000 to complete the work. The bond has an extra 10% for a total of \$316,000. He discussed the form with Town Counsel but he can not sign because he will be on vacation for the next two weeks. He requests that the Board sign the release and give it to the Treasurer.

Clerk asks if the estimate was sent to the Highway Dept. to find



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out if it was sufficient.

B. Lord did not send it to the Highway yet but there are 30 lots in the subdivision, they are only requesting the release of 13 lots. They are going in and doing the road work right away. The estimate is for \$283,000 plus 10%. 17 lots will remain unreleased.

EM states that the Board always runs the estimates by the Highway Dept. He will sign subject to Town Counsel and Town Treasurer's review.

B. Lord presents a Form E-1 for the performance bond or they have a form for a straight deposit. Both forms require that Town Counsel sign off. There is a regular deposit agreement. The bank originally wanted an 8 page form.

EM makes a motion to sign the plans. GG seconds motion. Unanimous vote of 4 (JM, EM, GG and EN).

P. Herr looks at the number of lots to be released and the configuration.

B. Lord points out that they are all front lots.

P. Herr asks if anyone looked at the Certificate of Approval to make sure that the drawings show the changes.

B. Lord reviews the conditions. They are all on the drawings. He presents copies of the plan to Clerk. He will get copies of the mylar and then give the Board 3 signed copies of the plan. He asks members to sign the release and he presents the covenant.

EN makes a motion to release the lots and accept the bond in the amount of \$316,000. EM seconds motion. Unanimous vote of 4 (JM, EM, GG and EN).

### GENERAL BUSINESS CORRESPONDENCE

P. Herr asks if the Board has decided to take any action relative to New England Country Club.

GG notes that this is not the same house on Wrentham Road. This



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is the second lot next to the Country Club's lot.

EM states that it is a safety issue which the town knowingly let exist for 4 years. What power does the Planning Board have?

JM asks what P. Herr suggests.

P. Herr thinks they should sit on it. They could rescind or rezone. He drafted an article to rezone but it would be a slap in the face of the new owner.

GG states that it would be a way of closing down the golf course.

B. Lord points out that the golf course is run by Kemper who has a maintenance agreement. No one is making any money.

P. Herr has concern about resubdividing smaller lots. He does not know how likely that is. The covenants will still be in effect even if they go through a foreclosure.

P. Herr refers to the handout which he presented relative to Developmental Plan Review. A notice relative to the review meeting should be posted on the premises.

JM asks if that is really necessary.

B. Lord notes that there is a problem with notice to people.

Clerk refers to a proposed bylaw change which was sent to the Planning Board for comments by the Board of Selectmen.

P. Herr will review and comment.

### BELLWOOD CONDOMINIUM

Clerk reads letters from Carolyn Todd, Bellwood Condominium Trust, dated August 4 and 12, 1992 indicating that Mr. Rosenfeld has not completed a number of the items which he had promised to complete as well as Mr. Rosenfeld's letter dated August 6, 1992 stating that he has completed the work.

P. Herr believes that it should be brought to the Building Inspector's attention. The Board could ask him to tour the site.



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JM instructs Clerk to send the Building Inspector a letter with copies of all the letters asking him to tour the site with Mr. Rosenfeld and someone from the Bellwood Condominium Trust.

### STALLBROOK

P. Herr has a revised plan. He will review it to make sure that it is the same plan which was previously approved. If there is no problem, the Board can sign it at the next meeting.

### PINE MEADOW HOMES

Clerk presents plan which was submitted to her by Land Planning on behalf of applicant Dunster Homes. The public hearing is scheduled for the next meeting on September 10, 1992. She points out that this is the same plan which was approved by the Board in 1988 and was signed by the Board in June 1992.

P. Herr reviews the plan and notes that there is a revision date on the third page of the plan.

Clerk did not use that revision date in the public hearing notice.

P. Herr points out that the engineer should have never presented the plan this way with the Board's signatures and old dates. This is not trivial. It is a serious ethical violation.

B. Lord notes that this property was taken by the town for taxes and Land Court approved it. It now belongs to the town of Bellingham.

Clerk notes that the check for the fee included a fee for an engineering review.

P. Herr notes that they will probably have to hire an engineer to look at the drainage. He states that the additional amount in the check should be held in escrow by the Town Treasurer for this work.

B. Lord states that the Conservation Commission required detention basin.

P. Herr will review the plan and comment prior to the public



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hearing.

EN makes a motion to adjourn at 11:30 p.m. GG seconds motion.  
Unanimous vote of 4 to adjourn (JM, GG, EM and EN).

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John P. Murray, Chairman

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Anne M. Morse, Vice Chairman

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*Emile W. Niedzwiedz*  
Emile W. Niedzwiedz

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Glenn E. Gerrior

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*Edward T. Moore*  
Edward T. Moore