



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

NOVEMBER 19, 1992

Meeting was called to order at 7:41 p.m. EN, EM, AM and GG were present. Chairman JM came in a little later. Board's consultant, Philip B. Herr, was also present.

SUBMISSIONS

Bruce Lord, Esquire, presents an 81-P, Form A for Burt Rhodes located on the easterly side of Lake Street. He states that it is where the log cabin is and they are dividing off a much larger lot. It is coming from the huge lot. Franklin is in the back. The lot is 46.4 acres.

EM asks if 81-Ps should have to show the lot which they are coming from.

B. Lord thinks that they should but that is not a requirement.

EM notes that the plan does list the remaining lot.

EM makes a motion to sign the 81-P, Form A. GG seconds motion. Unanimous vote of 4 (EN, EM, GG and AM). JM not present.

Edward Gately presents an 81-P, Form A for the north side of Pine Street on the Franklin town line. They are making one large lot break up into three.

GG asks what the zoning is.

EM responds that it is suburban.

P. Herr asks if the land around this land is owned by someone else.

E. Gately responds that it is.

EM asks where the sandpit is.

E. Gately points it out on the plan.



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GG asks if this is part of a parcel in Franklin.

E. Gately responds that no, they are two separate pieces.

EN asks if it was separated before.

E. Gately notes that it was separated a long time ago.

EM asks if this has anything to do with Cranberry Meadows.

P. Herr responds that to the best of his knowledge it does not. The only determination which the Board has to make is that it is not a subdivision. He points out that the plan says subdivision in parenthesis which is incorrect but the signature block is correct. Maybe they should cross it out.

B. Lord states that the alternative is for them to come back in at the next meeting with a corrected plan.

EN states that the applicant can cross out subdivision and initial and date it with today's date.

EM makes a motion to sign the 81-F, Form A. EN seconds motion. Unanimous vote of 4 (EM, EN, GG and AM). JM not present.

B. Lord states that if the Board has no problem, the applicant could have his engineer take it off.

SCHAEFER NURSERY
DISCUSSION WITH STEVE BLOCH
RE: ADDITIONAL PARKING

AM discloses that her company just did some excavating work for Schaefer Nursery.

EM thinks that it is o'kay for AM to sit since this is only a discussion.

Steve Bloch notes that he is asking for approval after the fact.

GG points out that this was brought to Mr. Bloch's attention that he had to come in for Developmental Plan Review by John Emidy.

S. Bloch explains that the frontage between S. Main Street and



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their building has all improved asphalt. They needed more parking to alleviate the need for multiple policemen and the traffic because they could not get to the people fast enough.

GG notes that this will eliminate the on street parking.

AM thought that one only had to come in if they were increasing the building.

GG responds that no, it also applies to an increase in the parking spaces.

S. Bloch states that John Emidy said he had to come in because they had more than 10 parking spaces.

EM asks if they made the building bigger.

S. Bloch responds in the negative.

EM notes that the bylaws says that Developmental Plan Review applies if one disturbs parking.

S. Bloch indicates that the access and egress are the same.

AM states that they have the same situation with the VFW. She asks if they have to come in for DPR.

P. Herr asks about the drainage.

S. Bloch responds that they had a drainage pipe put in to trap water because it is crested. In the past the majority of their parking lot was to the south. The excess moisture flowed away. They put in one catch basin and brought the area from the gutter system. All the runoff is staying in the property.

P. Herr states that this is a relatively large impervious surface. People may not like the piping in the back. The town may want the Town Engineer or someone look at this.

EN thinks they should show it to Makram Megalli.

P. Herr points out that Mr. Megalli will not be able to tell anything by looking at this plan because it does not have enough information. He asks if the land in the back belongs to



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Meadowood.

S. Bloch responds that it does.

EM does not have a problem with it knowing the area and how big the parcel is.

S. Bloch states that they could move the piping.

EM notes that P. Herr's point is that another lot like this one would have to come in for DPR.

EM makes a motion to recommend this to the Building Inspector.

S. Bloch received a certified letter from John Emidy to comply with the bylaw within 7 days.

EM makes a motion to approve the development plan which was discussed. He asks if the Board can decide if something requires DPR.

P. Herr responds that the Board can decide if it meets the requirements but can't decide if they don't need it.

EM states that the question is if they are disturbing parking or adding parking.

P. Herr states that he clearly is. He asks how many spaces have been added.

GG states that they have 15, 10' wide spaces.

P. Herr reads Section 1420 which refers to a substantial alteration of 10 or more parking spaces. He asks if a copy of J. Emidy's letter came to the Board.

Clerk responds that it did not.

S. Bloch called Mr. Emidy and told him about this appointment with the Board. He said that as long as the Planning Board signs off, there will be no problem.

P. Herr suggests that the Board send a letter to J. Emidy stating that they have reviewed the drawing and members have reviewed the



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parking lot on site. The Board has determined that what is proposed is consistent with the Zoning Bylaw.

EM states that they should do it as a motion and send it to J. Emidy.

AM notes that J. Emidy was a little unsure of himself even with the question relative to the VFW.

S. Bloch thought that also when he originally spoke with him.

P. Herr points out that the problem is that they do not want to make the guy go through thousands of dollars in engineering and legal expenses because he is doing something which he is not required to do to alleviate problems.

AM abstains from the vote due to the conflict of interests.

GG seconds EM's motion. Vote of 3 (EM, EN and GG). JM not present.

GG states that the letter to J. Emidy should state that what is on the ground is perfectly consistent with the parking. The owner has made adequate use of future expansion area.

EN to sign letter to J. Emidy.

S. Bloch requests that Clerk send him a copy of the letter which is sent to J. Emidy to Schaefer Nursery, 745 S. Main St., Bellingham, MA.

STALLBROOK CENTER DEVELOPMENTAL PLAN REVIEW

Ted Tye introduces himself on behalf of National Development of New England, applicant. In October 1991, they received a special permit for a Major Commercial Complex. They also received a certificate of approval for Developmental Plan Review to progress with the project. Phase 1, WalMart is substantially complete. Phase 2 is underway. That is the subject of this discussion. They have provided updates and changes made to the plans. The original certificate of approval was prior to construction. They submitted plans to the Town Engineer and Water/Sewer Commission. They have made a couple of changes which are more than minor. He



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spoke with P. Herr 3 weeks ago and addressed his specific questions.

AM asks if a public hearing is required.

P. Herr responds that they are doing exactly what the Bylaw calls for by having a review meeting. Notice was in the newspaper.

T. Tye explains that the land is divided into two lots. WalMart is on one and the remainder is on the other. WalMart will be open in January 1993. The work is now concentrated on the inside of the building. All of the off site work is essentially complete. The road has been paved, the lights are working, the sewer line is in, the water line has been tapped, the cemetery is complete and the road across is complete.

AM asks about the lights.

T. Tye responds that the engineering has been done. Denis Fraine and Dan Ranieri did a lot of work getting the state to consider funding it. The state will pick up the costs using no town funds to make the improvements.

GG asks if they will provide for police when they open.

T. Tye states that they agreed to have an allowance of \$10,000 which will be used at the discretion of the Chief of Police.

GG states that there will be a problem if there is a gap between when the improvements are made and when the store opens.

T. Tye notes that they did not have a supermarket at the time when they applied to the Board. They have modified the plan as they moved along. They added a pad store. More area was filled and there was more wetlands than they originally thought. The probes found more peat so they had to move up the building about 7' from what they had before. They had to do a lot of excavation under the pavement to remove the peat and put in good fill. The supermarket represents the actual plan for the Almacs Superstore. The buildings on the side are close to what will be built but they do not have the exact tenants yet. They applied and received a building permit.

EM asks how they received a building permit for Almacs without



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getting Planning Board approval.

T. Tye states that they do have an approved special permit. They still substantially conform to the plan which was approved by the Planning Board.

P. Herr states that the question is whether or not the Board signed off on that portion of the lot.

EM refers to the building which was added.

P. Herr states that is a different question.

T. Tye states that the Planning Board did approve the site plan.

P. Herr notes that if that is true, then the Building Inspector was correct in giving permits.

GG refers to the WalMart lot. He asks what happened to all the parking here and in the back.

P. Herr notes that they have more than half more than what is required for parking.

T. Tye states that they sent a letter to the Board notifying members of the change along with a plan.

EM remembers receiving it. He states that the Board reviewed and noted the changes.

T. Tye states that the pond stayed fixed, however, the distance between the pond and the pavement has changed.

P. Herr states that it is hugely more.

GG notes that the building has shrunk down but is longer.

T. Tye explains that originally they used a Shaw's prototype. This is an actual Almacs building. The other change is that the store and parking has been flipped from the construction plan. He thinks it will stay this way because it is pretty definite. The permit which they have allows them to have 260,000 square feet on space on the property. This plan has 246,609 in total. They moved the building up.



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EN asks if the entrance has changed.

T. Tye responds that it is exactly the same as it was before. The Board is looking at the plan in a different scale.

P. Herr points out that he overlayed the plan and it is substantially the same.

T. Tye notes that one of the plans was done in the construction level and the other was in the approval level with more engineering. Because everything was moved up, the parking field is narrower. The parking for lot 2 has 436 required and 680 provided. The current plan which has fewer square feet has 402 parking spaces required with 607 provided. The other change to the parking lot area is a different tenant island. It previously cut the parking field into two and did not allow people to move across. They now have the exact amount of green space but it has shifted. The amount of green space and the number of trees has stayed the same.

JM joins the discussion at 8:35 p.m.

T. Tye states that the lot line in the middle divides the two stores.

AM asks if that did that because it is aesthetically nice and safety nice.

T. Tye states that is how it was laid out before but it does not work with supermarkets. The proposed tenant will not sign the lease unless that is moved out.

P. Herr notes that they are still dividing the lot but at a different point.

T. Tye states that it will now have a more natural split which will come at the middle of the lot.

GG indicates that they will have signage which says entrance only.

T. Tye states that is exactly correct.

EN thinks that Stop and Shop in Franklin is similar to this.



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EM states that is wide open.

GG refers to a speed bump.

T. Tye states that they could put them in later if they want.

AM thinks they are a problem with plowing.

T. Tye refers to lot 1 with the sidewalk which the Planning Board asked for. There is a very steep slope with a steep hill which is not practical for a sidewalk.

EM states that there is a sidewalk on the bridge and a dirt path through there.

P. Herr has gone over the plans and this is the only point of noncompliance. It is the developer's contention that no one will walk in. People will walk on the bridge but then will be out of luck. He thinks that people will walk in there. It is a steep slope but there should be access for people on that side.

GG comments on the sidewalk which the developer did put in. They put in a nice concrete sidewalk which looks very nice and beautiful, however, it can not be considered a trade off for this sidewalk.

T. Tye would just like to hear someone say thank you.

GG has heard complaints because the wall did not go all the way but other people complained because they were changing a historical wall.

T. Tye notes that they received more compliments on the wall. The state reviewed the plan and told them that they can not build in a federal no access zone for the sidewalk.

EM can not believe that the state said they can not put in the sidewalk. He does not understand how they can build a shopping plaza and can't build a sidewalk.

P. Herr believes that there will be a dirt path there. This is at the end of the property and if they put in stairs to accomodate the slope, there would be a liability problem.



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GG notes that there is a 22' grade change. Stairs would be a little unreasonable with that grade. He asks how come the sidewalk from the bridge was never continued.

P. Herr does not know. If they owned all the land they could bring it down.

T. Tye states that it is still steep resulting in a safety issue.

GG thinks that they should can the sidewalk.

AM agrees.

GG thinks that 22' of stairs is too much.

EM can not believe they they are building a shopping center and can't build a sidewalk.

GG explains that they are not allowed to go in the no access zone. They would have to put the sidewalk all the way in.

P. Herr was driving by the project tonight and saw a guy walking with a shopping cart right where the two lanes merge.

JM thinks that the sidewalk is not cost effective for the developer because they will not get enough pedestrians in.

T. Tye states that is not fair.

EN asks where the grade drops.

P. Herr notes that it begins at the auto entrance.

T. Tye indicates that the state will not allow a sidewalk in the no access zone.

EN asks why they put the sidewalk on the bridge.

GG states that P. Herr said it was for people to stand if they breakdown on the bridge. He thinks that the Board should bring this sidewalk issue up with D. Fraine.

P. Herr was going to suggest the same thing. It is physically and legally feasible, however, there is a legitimate safety



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issue. D. Fraine could explore the appropriate remedy with the state.

GG notes that the state may decide to continue the sidewalk themselves in order to tie in to the existing one.

T. Tye refers to the 20' wide emergency access. They could leave a small area opening which could continue on instead of having two pavements.

EN asks where it would lead into.

AM states it would be a restaurant.

P. Herr thinks that pedestrian access here would be good. He suggests they raise the issue with Denis Fraine.

GG thinks that having a sidewalk in the front would add to the project.

EM makes a motion to approve the site plan with the most recent revision date of November 9, 1992. AM seconds motion. Unanimous vote of 5 (JM, EM, EN, GG and AM).

GG asks about the Chapter 90 funds. Can they do the work at cost?

T. Tye responds that they would but it has to go through bidding procedures.

Clerk is instructed to send a letter to D. Fraine asking him to find out about continuing the sidewalk from where they are stopping it to the bridge. Clerk asks about the fee.

P. Herr states that this is a revision. The developer already paid a fee for DPR.

GG indicates that the town is fortunate to have a company like NDAI who came in and is doing a class A job.

T. Tye states that all the town people including Denis Fraine, John Emidy, Donald DiMartino have been very good. Everyone has acted professionally.



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GG further states that all the off site work has been beyond what could have been expected.

PROSPECT AUTOBODY
Development Plan Review

AM abstains from the discussion because her company has bid on the project.

AM departs from the meeting at 9:02 p.m.

Edward Quintal, applicant, presents the building plans.

P. Herr looked at the plan. There is not enough information to make a determination. He can not distinguish what is existing and what is proposed.

E. Quintal explains that they are building two offices in the front and a two car garage.

P. Herr does not know the topography or the lighting. He suggests the applicant call his engineer because the information which is required is not on the plan.

EM asks where the wall is.

E. Quintal responds that it is in the front. They will have all paved parking. They propose putting in a 60 x 60 building in the back which will be freestanding. They will have an overhead door in the front. The building in front is slanted. The driveway in the back will be crushed stone.

P. Herr notes that is not shown on the plan.

EM states that it seems to be an accessory use building.

E. Quintal explains that they will move out of the front building and will do all autobody repairs in the back building. They will use the front building for polishing cars.

EM asks who figured the parking.

E. Quintal responds that was Rosetti, the engineer. They will have 20 spaces with more space in the back of the building.



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P. Herr states there will be 6 spaces in the back.

GG notes that the actual total will be 25.

E. Quintal indicates that the space between the building is 20 ft. of asphalt.

EM states that all the work area will be in the back. He asks if he will have shrubs or trees here.

E. Quintal responds that it will be grass.

EM notes that the trees along the side should be shown. The stockade fence should be shown.

P. Herr points out that this plan clearly does not meet the letter of the requirement and therefore, he could not evaluate it.

EM does not see this as a real big issue. He asks if they will have a dumpster.

E. Quintal responds that no, they have town pickup.

EM points out that he has the right setbacks for the building for accessory use.

E. Quintal explains that they do body work. They are on the referral list for 19 insurance companies. They will have two bays to make it easier to get cars in and out.

P. Herr does not know enough about this plan to say. He asks about regrading and the adjacent lot.

EM notes that the whole lot is all cleared.

E. Quintal states that it is cleared all the way back to the boundary line.

EM knows about the lot because he knows the site. EM notes that the guy with the motel went through hell to get his DPR approved. What makes this different? That building is lower than the parking lot. This will not be paved.



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EN notes that the Board does not want to overlook the submittal requirements.

JM reads letter from Donald DiMartino, Water/Sewer Superintendent, dated November 12, 1992, stating that the sewer main in this area may be activated as soon as mid December 1992 or as late as spring of 1993. The discharge of a gas trap into the sewer must be acceptable to the Charles River Pollution Control District as these wastes will flow to their facility. Any water and sewer service must be obtained through the required permits.

E. Quintal talked with Mr. DiMartino. The MDC gas traps will be new. Mr. McRay from the Charles River District said that it is entirely up to the Sewer Commission. He will talk with Mr. McRay again before he goes on line.

EN asks about the sewer.

E. Quintal states that they will hook into the town sewer system. There was a cesspool there when he bought it. It is the last thing they will take out of the ground.

JM asks how close the buildings will be.

E. Quintal responds that they will be shaped like a pie with a range from 15' to 7". He talked with the Fire Chief today who was more interested in stuff like where he stores his paints. He was also interested in the interior sprinkling and wants to see copies of the interior floor plan.

GG questions if there would be enough parking if there was a change in use to a warehouse.

P. Herr responds that they would meet it with retail. It requires one space per 200 square feet.

EM notes that the only problem would be if the change was to a restaurant.

P. Herr states that from looking at the drawings of the building, no one will make it into a restaurant.

EN asks if it is spot zoned.



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EM responds that no, it is zoned business on both sides. The sewer plant is in the back.

EN is not objecting to this, but thinks they should make approval conditional on Rosetti drawing the correct information in.

GG notes that this abutts residential. There is a 6' stockade fence in place which protects the abutting use of residential.

EM asks where the fence starts.

E. Quintal responds that it starts in the front of the building.

GG states that a condition of approval should be that there be a 6' privacy fence from the front of the building to the rear boundary where it abutts residential on the southeasterly side.

P. Herr states that another condition should state that the two parking areas at the rear and driveway access to it should have compacted crushed stone instead of bituminous.

EM notes that they are waiving paved parking for crushed stone.

EM makes a motion to approve the DFR for Prospect Autobody. GG seconds motion. Vote of 4 (JM, EM, EN, and GG). AM not present.

GG makes a motion to approve with the waiver that the parking lot be compacted crushed stone and there be a 6' privacy fence as stated above. EM seconds motion. Vote of 4 (JM, EM, EN and GG). AM not present.

Clerk is instructed to forward a letter to the Building Inspector relative to the approval.

EM asks if P. Herr feels the Board did not follow the rules.

P. Herr states that the plan for Prospect Autobody did not come close. He can add words to the Bylaw relative to what happens when one is adding parking. In the Bylaw the Board can waive the submittal requirements provided the applicant requests so in writing. The Board can either follow that or they can take it out of the Bylaw.

EN states that they could write it up for the next Town Meeting.



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P. Herr can make the Bylaw clear that it is o'kay to do that.

GG points out that Schaefer Nursery is helping to eliminate traffic problems especially in the spring when traffic is backed up there.

PINE MEADOW

DEFINITIVE SUBDIVISION DECISION

P. Herr comments that under item (2) specific qualifications, the last part of the sentence should be removed. Both parts say the same thing. It should state "All streets or ways shall be surfaced with a base coat to be installed prior to construction."

Clerk will make the correction and file the decision.

Clerk explains that an abutter of Mr. Bouliane, Overlook Drive, phoned and stated that the ZBA took Mr. Bouliane's request for variance under advisement. There are a bunch of neighbors who formed a group called NAB, Neighbors Against Bouliane, because he is raising greyhound dogs illegally. He has eight dogs and is only supposed to have 3. They are afraid that he will have more dogs with the duplex which he is proposing. Bruce Lord represented Mr. Bouliane before the ZBA. He made it sound like the Planning Board was all ready to approve the plan. Clerk explained to the abutter that it is only at the preliminary stage and even if it gets approved, the applicant will still have to apply for a definitive plan for which abutters will be notified of the public hearing.

P. Herr passes out a proposed zoning article which he prepared relative to Uses on wheels, trailer zoning article. He suggests the Board forward it to the Board of Selectmen to see if they want to sponsor it for the next Town Meeting. It was prepared at the request of Mr. Larry Cibley. He refers to item (d) which states "fiscal equivalence with similar uses located in permanent structures is to be provided through annual fees or other means." He has concerns as to whether or not the town can really do it.

JM asks how P. Herr feels about this.

P. Herr would like to see it go away.

Larry Cibley joins the discussion. He notes that the Taco Wagon



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is expanding to other towns.

P. Herr notes that this proposed Bylaw says that one would have to get a special permit if they want to have a business in a trailer.

EN thinks that it protects established businesses.

L. Cibley objects to a guy putting up a trailer and putting in a barber shop and competing with the guy across the street who pays taxes.

P. Herr notes that they would have to get a special permit with this Bylaw. They would have to make a case as to why they have to be portable and can not be visually intrusive or create fiscal consequences.

L. Cibley asks who would sponsor this.

EM states that it would be the Selectmen.

P. Herr thinks they should send it to the Selectmen for their advice as to whether or not they feel it is a good idea.

L. Cibley indicates that zoning articles are not sponsored by the Board of Selectmen.

JM states that this was prepared as a courtesy to the Board of Selectmen.

P. Herr can not remember an instance where the Selectmen sponsored a zoning article. It would be appropriate for the Planning Board to sponsor but they should hear from the Selectmen in advance. The fees and the brunt of this article would be before the Selectmen for licensing.

L. Cibley agrees that the Planning Board should be the sponsor.

P. Herr states that if the Selectmen want the Planning Board to sponsor this, they will.

EM thinks that they should bring it to the attention of the Bellingham Business Association. They should run it by them before it gets on the warrant.



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L. Cibley refers to trailer venders who have the right to sell flowers and compete with florists who pay taxes.

EN think that they have the right to assess fees.

L. Cibley states that they do not do it because the flowers are homegrown. He refers to the guy who sells Christmas trees who is temporary and not permanent. He objects to the guy who wanted to sell donuts and coffee from a trailer and compete with the guy across the street. XMAS trees are temporary for the season.

GG thinks that they are all the same and should pay a fee.

L. Cibley states that the Board members should come into a Selectmen's meeting when the press is there and voice their opinions. NHD pays taxes and owns the land. He asks why they are not taxed for what they are renting. He does not care about the Taco Wagon. He cares about the owner of NHD who is only paying taxes for vacant land. He is taxed on it as if it were a piece of land which is not used. Bob and Carol's uses the back of the lot. He is not being taxed on the use of the land except for NHD.

P. Herr asks if it is divided into two lots.

L. Cibley responds that it is.

JM refers to vacant lots which are taxed on a price per square foot. NHD is assessed on business property.

LAKEWOOD

Clerk explains that the owner of the land phoned asking for the Planning Board to send a letter to the Assessors stating that he does not have an approved subdivision. Clerk checked the files and there is an approved Definitive Subdivision in place but the special permit for condos was denied.

P. Herr states that if the owner wants he can present a plan to remove the subdivision.

JM asks Clerk to notify the owner that the Board can not send the letter to the owner.



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BELLWOOD

LETTER FROM CONDO TRUSTEES

Clerk reads letter from the Trustees to Mr. Rosenfeld, dated October 23, 1992 identifying further issues which remain open for work to be completed.

Meeting adjourned at 10:20 p.m.

Anne M. Morse, Chairman

John P. Murray, Vice Chairman

Emile W. Niedzwiedek

Glenn E. Gerrior

Edward T. Moore