



# 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

DECEMBER 17, 1992

Meeting was called to order at 7:51 p.m. Vice Chairman AM acted as Chairman until JM arrived. EM, EN and GG were also present. JM joined the meeting a little later. Board's consultant, Philip B. Herr, was also present.

### SUBMISSIONS

Frank Perello, Guerriere & Halnon, presents an 81-P for North Street. He explains that this is for 5 lots in an agricultural district on North Street which are 500' from the intersection of Blackstone Street which the Thayer family owns.

AM asks him to point out Irene Court.

F. Perello responds that it is down on the end.

EM thinks that he should have put in an arrow for Blackstone Street.

F. Perello explains that he allowed 17' for a highway easement in case the street ever has to be widened. There are 2 60' construction easements for a future road. Thayer owns 200 acres.

EM asks if the Bylaw calls for two.

F. Perello responds that it does.

EM notes that since it is agriculturally zoned, it requires 80,000 square feet and 200' of frontage.

F. Perello agrees.

EM states that there are 5 lots, but there is a back lot which does not have the 200' of frontage and is not numbered as a lot.

P. Herr states that it is often the case to put something on saying that this is not a building lot but he does not see such a note on this plan.



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EN asks if there is any other frontage for that lot?

F. Ferello responds that it fronts Brook Road and Saddleback Hill Road.

EM notes that the 5 lots in question are no problem since they have the frontage and the square footage.

F. Ferello can put a note on the plan.

P. Herr points out that for zoning purposes this lot is joined to Saddleback Hill Road. One could put a house in if he put in a driveway.

EM questions whether or not they need the note.

P. Herr does not think that the note is needed.

EM makes a motion to sign the 81-P, North Street for the Thayer family. EN seconds motion. Unanimous vote of 4 (EM, EN, AM, and GG). JM not present for discussion.

### PINE MEADOW HOMES DEFINITIVE SUBDIVISION PLAN ENDORSEMENT

William Halsing, Land Planning, presents the plan to the Planning Board for endorsement.

Clerk notes that the Town Clerk has notified the Board that the 20 day appeal period has passed.

EM indicates that the town auctioned off the land and it is now owned by someone else.

W. Halsing states that the town may not have had the right to sell it.

B. Lord notes that the subdivision should not have been put up for bid. They are in the process of undoing it.

EM makes a motion to sign the plan. GG seconds motion. Unanimous vote of 4 to sign (AM, EM, EN and GG). JM not present.



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RAWSON FARM  
DEFINITIVE SUBDIVISION  
PARTIAL RELEASE OF PERFORMANCE BOND

B. Lord is here to request a reduction of the bond.

AM reviews the documents submitted in support of the bond reduction and notes that there is no date of inspection.

AM reads letter from B. Lord, dated December 17, 1992, requesting that the Planning Board reduce the bond on Rawson Farm Subdivision to \$87,937.60. Form I, Subdivision Checklist and Form J, Guaranty Price Estimate are enclosed. Also enclosed for the Board's information is an estimate from Amalfi Excavating as to their charge to complete the project. Because portions of the work not completed are included in funds already paid to Amalfi or their estimate for the whole is lesser than that for the individual tasks, their estimate is less than that shown on Form J. Also enclosed for the Board's records are an "Inspection of Utilities" by Guerriere & Halnon, a water test report from the Bellingham Water Dept. and a new Water Main Testing and Chlorination report. The problems noted in the latter report have since been resolved and would not affect the price estimates in any case.

B. Lord notes that there was a test failure for the pressure test. His letter presenting the performance bond, dated November 9, 1992, included things that do not necessarily require a water test. It is a good idea to have a central location. Inspection of Utilities was done by Guerriere & Halnon, a requirement by W. Arcand from the Highway Dept. It was on that basis that Mr. Arcand signed. He requires the engineer to attest to the inspection of utilities to the Highway Dept. On that basis Mr. Arcand was able to sign off. This is a good idea from the town's viewpoint.

EM notes that W. Arcand asked for a letter from the construction engineer to attest that everything is o'kay so if something is wrong, they have someone to go after.

B. Lord did not get these documents until tonight. The contractor estimate was \$53,000 indicating a total cost of \$63,000 which was added in the contingencies for a reduction to \$87,000.



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EM does not know if they should reduce the bond until the work is done.

AM asks how come they do not have anything from the Water/Sewer Dept.?

B. Lord states that their engineer is attesting that everything is o'kay. He was not able to get ahold of Don DiMartino from the Water/Sewer Department.

AM states that the Board needs to have something from the Water/Sewer Dept. showing that they signed off on this.

B. Lord will be glad to get a letter from them.

AM states that normally a builder would have to call the Water Dept. and they would have to be there when the water is tested. It should be the Town of Bellingham who is documenting this. The town has to watch the process.

EM asks what the bond is now?

B. Lord states that there is \$68,000 worth of work to be done with the 10% that comes to \$87,000.

EM notes that there is one hydrant to be raised, detention basins are not built, the detention pond is not built. He asks if \$80,000 will do all that.

B. Lord states that it will according to the Form J.

EM asks if the Highway Dept. sent a letter to the Board.

B. Lord responds that no, W. Arcand refuses to send a letter regarding the cost. That is why he requires the engineer to attest to it.

AM asks about the sidewalks and berms.

B. Lord explains how it is broken down: \$2500 for drain pipe, \$1500 street lights, \$2500, \$1500 lot bounds.

AM asks if that includes the As-built too.



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B. Lord responds that incidental items are included.

JM joins the meeting at 8:25 p.m.

B. Lord explains that the Board used to get letters from G. Daigle saying that everything was o'kay. The way Mr. Arcand is handling it is much better because he knows nothing about those things since they are asking someone to come in the middle of a project and make a determination.

AM has a problem with the Water Dept. not backing up what they are saying.

B. Lord states that the only reason it was not signed by the Water Dept. is because they were not available. Their engineer is indicating that the water is installed. He would be glad to provide the Board with a signed letter from the Water Dept.

EM notes that the bond reduction is for \$87,937.60.

GG points out that it sounds like no one is happy that this was not signed off.

P. Herr notes that the Board could agree to the bond reduction and not release it to the applicant until they received a letter from the Water Dept.

AM states that since there is no documentation, she does not like doing that. The loop is not going to be cheap.

B. Lord notes that there are two different outfits in line there.

EM asks what happens if they hit more ledge.

AM thinks that they should have a letter from W. Arcand saying that he agrees with the engineer.

B. Lord states that is not his job. He is providing the form which the Board requires.

JM thinks that they may want to reduce the bond to \$113,000 instead of the \$87,000 since it may cost more than the \$87,000.

B. Lord asks that the Board reduce it to \$100,000 since they have



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everything there.

AM notes that they do not have anything from the Water Dept. so how do they know what was done.

JM suggests they reduce it to \$135,000 so they can bring \$135,000 back to the client.

B. Lord argues that he has provided the forms which the town requires and has given more information than is required as well as an engineer report.

AM asks if he has submitted anything from the Water Dept.

B. Lord notes that the Water/Sewer Dept. is not submitting forms any more either. They just sign off on the form.

AM thinks that Mr. Lord is coming in at the last minute with this request. Maybe the loop will cost more than \$80,000.

B. Lord notes that the people who said it would cost that much work for the Water Dept.

EM notes that this says that one section failed.

AM states that the new section passed. It says there is a new water main.

JM asks about the form of security.

B. Lord explains that it is cash against an account at the Boston Safe Deposit maintained by level assets.

EN asks if it is a collateral bond.

B. Lord responds that it is similar. This account has far more in it than is required for the bond.

EM states that a different company did the first and second test. The new section passed the testing.

B. Lord does not control the reports which are submitted. If the Water Dept. was unhappy, a second report would have been submitted. Their engineer is attesting that everything is o'kay.



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EN thinks they should do it the way P. Herr said.

B. Lord will get the information to Clerk by the time the Board signs the letter. He is provided the form for the people to sign off. He is providing what the Board asks for. The only requirement is that a developer submit the Forms I and J.

EM states that their engineer says there is a lot left to do. He thinks they should leave \$100,000.

JM does not think that is enough insurance.

B. Lord states that there is no one to sign off on the gas line.

EN asks about a gas inspector.

B. Lord responds that the gas company does all the inspections. W. Arcand will attest that the lines are there but he will not attest to the work.

EM suggests they reduce the bond by half.

EN thinks they should make it contingent on the proper form being submitted by the Water Dept. within the next seven days.

JM is leary of estimates.

B. Lord notes that there is a percentage built in.

GG states that there is \$20,000 more for incidentals.

JM suggests they reduce it to \$100,000 if they bring in the contingent things which the Board is asking for.

EN makes a motion sign a letter reducing the bond provided that B. Lord obtain a sign off from the Water Dept. within seven days.

EM wants to know if the pipes work.

P. Herr states that the current bond is irrelevant.

AM states that the estimate includes the price of the loop. The loop is left to be done. The one off Deerfield is not in.



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P. Herr thinks that the Board should ask Mr. DiMartino to coorborate the estimate.

GG seconds motion.

B. Lord notes that the road costs more than the original estimate because they hit ledge.

AM did not base her determination on the ledge because she did not know about it.

JM notes that there is a vote of 4 (JM, EM, EN and GG) to reduce the bond to \$100,000 provided that the Board obtain a sign off on the form from the Water/Sewer Dept. AM abstains.

AM notes that they used to have their own form. The town should have someone to deal with development costs. If not, the town should take the money needed from the developer to get someone.

### BOULIANE PRELIMINARY SUBDIVISION OVERLOOK DRIVE CONTINUED DISCUSSION

JM notes that the applicant is not here.

B. Lord who represented Mr. Bouliane at the ZBA hearing relative to this same parcel, requests a continuance on his behalf.

Board members agree to a continuance.

### DISCUSSION WITH MR. MAX KAUFMAN AND HAROLD BOUCHEAU RELATIVE TO A PARCEL OF LAND ON FARM STREET OWNED BY MR. KAUFMAN

Clerk reads letter from Mr. Kaufman, dated December 8, 1992 to the Board of Selectmen stating that at one time th town of Bellingham had retained the engineering firm of Guerriere & Halnon for the purpose of conducting surveys, soil testing, etc., relative to the design of an Industrial Access Road, approximately 6,700 ft., in length along the easterly side of I-495, commencing at Farm Street and terminating at Hartford Avenue. Mr. Kaufman is the owner of 19.49 acres of land at the intersection of Farm Street and I-495 which is zoned commercial. At present, the only access to his property is Farm Street which is basically a residential area which in his opinion is an





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unsuitable access for a commercial development. In the recent past, he has been contacted by companies that are interested in locating to Bellingham and in the development of his land. He requests any input which the Board of Selectmen may have relative to the Industrial Access Road becoming a reality. He also asks whether any planning was done for the extension of the road to the rear of the existing Walmart at Hartford Avenue to Farm Street.

Clerk reads response from Denis Fraine, dated December 10, 1992 stating that he has forwarded Mr. Kauman's inquiry relative to the Farm Street Access road to the Planning Board. He is unaware of any planning which was done relative to an access road from his property to the rear of the WalMart site. There is presently no movement toward developing the previously considered access road. The Planning Board may have some suggestions which would prove beneficial.

B. Lord was on the Industrial Development Commission back in 1982 and would like to give some insight to this land. They never had the funding from the state, so the idea for an industrial road died. They have development of the property in the front, but the access to the back where Mr. Kaufman owns is not available. Farm Street has houses up in the front. The frontage up to Farm Street is within the 495 easement. He does not think there is actual frontage on Farm Street. The property is virtually without accessibility.

Members review plan presented by Mr. Kaufman.

B. Lord states that there is no frontage on Farm Street. The bottom part has access to Varney property which is WalMart. It is all wet down there. At the time, Guerriere & Halnon had the capability to put a road in without infringing on the wetland. It would have worked but Varney stopped it. The state wanted a site there, but Varney withdrew his permission.

H. Boudreau asks for counsel from the Board.

M. Kaufman states that development would open the whole place up. There would be more taxes for the town. The property has a lot of wetlands but no frontage. 495 put in a new bridge and moved Farm Street.



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JM asks how long Mr. Kaufman has owned the land.

M. Kaufman responds that it has been 25 - 30 years.

GG notes that he could buy the house in front to gain frontage and access.

JM asks if Mr. Kaufman bought the land after 495 went threw.

M. Kaufman responds that it did.

P. Herr notes that this was relative to some Core of Engineers restrictions.

M. Kaufman would like to continue from Walmart for his access.

EM explains that he would have to ask them and not the town. This would not be a town road because it is not a subdivision.

P. Herr states that Mr. Kaufman can talk to WalMart. At one time that had a scheme that went further but he did not think that a road seemed to be in their interest especially with the concern regarding the wetlands.

JM thinks that any solution is going to be expensive.

H. Boudreau states that it is only one-third wetlands. The core took most or all of the wetlands. What you see on the plan which is left is pretty good land.

GG thinks that the cost factor is high.

B. Lord thinks that it may be worth it with 19 acres. If the parcel is not accessed from the south, they could probably get it rezoned to residential, buy the parcel in the front and bring it out. The only problem is they may be putting traffic in where they may not want it. He thinks that most of it is buildable. The town may request the rezoning. A proposal is coming shortly from the Economic Development Group to rezone some parcels in Bellingham along with others on Farm Street. They want to make logical trades.

P. Herr states that would take it out of the industrial and put it in a residential district.



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B. Lord notes that sooner or later the land will be developed. Having industrial on Farm Street creates a worse problem.

M. Kaufman asks if the town would consider putting in a road.

JM explains that no, the town does not do roads. The developer puts in the roads.

B. Lord explains that WalMart owns the portion of land which he needs to gain access.

GG notes that WalMart does own the entrance but the easement is from NDAI. It would probably be better to sell one industrial developer on the lot. The best use may be to keep the single parcel and seek frontage by way of a variance.

P. Herr suggests that they begin by finding someone who may be interested in the industrial.

EM thinks that they could claim limited access before the ZBA for the variance.

B. Lord points out that Farm Street is a scenic road which is narrow and can not be changed. The other end is all residential.

P. Herr notes that this is also in a Water Resource District.

AM thinks that the land is more valuable as industrial.

B. Lord is not telling Mr. Kaufman to rezone. He is just pointing out that there is a proposal to do it which is coming up.

M. Kaufman asks if there is much industrial land in Bellingham.

Members respond that there is.

M. Kaufman asks if it is being used.

Members respond that it is.

M. Kaufman thinks it would be a benefit to the town for him to gain better access. He bought the land on the basis that there would be a road coming through.



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## USES ON WHEELS PROPOSED ZONING BYLAW

Clerk reads letter from the Board of Selectmen, dated December 10, 1992, stating that they have reviewed the proposed Uses on Wheels Trailer Zoning Article prepared by Philip Herr. The Selectmen unanimously voted to notify the Planning Board that they are in support of this proposed article.

P. Herr states that the Board can hold a public hearing on his proposal.

## BEECHWOOD UPDATE RE: PERFORMANCE BOND

Clerk notes that Jackie Richards advised her that the Board of Selectmen have received complaints relative to Beechwood Estates. The road is incomplete. The Selectmen request that the Planning Board provide them with a status update on the performance bond in place for this development.

AM suggests that Clerk asks L. Ambler what happened with that. She asks if there was a timeframe.

B. Lord responds that there was not. The agreement was that when the land was sold, the town would get the money to finish the road. There is an affordable housing proposal for that parcel now.

AM tells Clerk to disregard asking Lee Ambler.

## GENERAL DISCUSSION

P. Herr refers to the Kaufman land. It is really conservation land and the Conservation Commission should buy it.

B. Lord notes that Guerriere & Halnon looked at the land and it is not all that wet.

Clerk reads letter from D. Fraine, dated December 2, 1992, relative to the sidewalk access for Stallbrook Center. He notes that he has reviewed the Board's suggestions relative to the construction of sidewalks between the 495 overpass and the emergency Stallbrook exit on Hartford Avenue and he shares the Board's concern. Mr. Arcand and he have reviewed the work which



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will be required and will be scheduled in the spring. One other issue which should be addressed in the spring is the signalization of the southbound off-ramp. Representative Ranieri and he recently met with the Mass. Highway Commissioner Kerasiotes who committed funding for this project. The design has been completed and approved by our Highway District as well as the State Transportation office, which suggested an early spring start-up.

Clerk reads letter from Janice Hannert, Fafard Real Estate, dated December 10, 1992, attaching a copy of the Form D-1 Certificate of Approval of a Definitive Subdivision Plan and Form F Covenant for Phase IV for Riverview Park, which subdivision plan was approved on January 24, 1991. She points out that the requirement that the subdivision roads be complete within two years was not included in the Certificate of Approval. She would like to confirm that no additional extension approvals are required by the Bellingham Planning Board at this time. If such is required, she asked that this letter be considered a request for extension.

Board members and Mr. Herr agree that the two year requirement for road completion was intentionally deleted from the decision and therefore, no such extension is required.

Clerk presents the updated street map which was sent by Joe Carroll, in Philip Herr's office.

EM states that Old Blackstone Street should be annotated.

AM also stated that Old Center Street should be on the map.

P. Herr asks if there is a cul-de-sac at the end of Rolling Hills Drive which is on the plan.

B. Lord responds that it is not on the plan.

P. Herr will check on that.

AM suggests that the street map be sent along to the Highway Dept. for their review.

P. Herr will send them the street map.



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### MINUTES ACCEPTANCE

EN makes a motion to accept the minutes of April 30, 1992, May 14, 1992, October 22, 1992. EM seconds motion. Unanimous vote of 5 to sign the minutes.

### RIVERVIEW PARK, PHASE IV

P. Herr reviewed the decision and notes that the provision relative to the completion of work within 2 years was taken out with the approval of the Board. There is nothing in the regulations which repeats that so that do not have to do anything.

Clerk is instructed to send a letter to Ms. Hannert confirming that the Phase IV, Riverview Park does not have to be completed within 24 months.

EM notes that L. Ambler asked him why they have that 2 year requirement on the form when it ends up getting extended.

P. Herr responds that it is the Board's choice. If that was not in, a developer would be able to stay under the covenant forever. No further action is necessary for Riverview Park.

### BUDGET DISCUSSION

Clerk explains that the Finance Committee asked that the budgets remain level funded, that is, the same as last year. Clerk would like to ask for a raise since she has only had one raise in 5 years. There are some places in the budget that the money could be transferred from. Clerk notes that she has to make numerous long distance phone calls on her own phone for which she is not reimbursed as well as using her own computer and printer at home. Clerk needs a new printer head for her printer since it has worn down from printing Planning Board correspondence.

Members agree that Clerk should ask for a 6% raise and transfer the money from other areas in the budget. If the raise is denied, they would like to keep the same amount in the budget for expenses.

Members review and approve the Annual Report.



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Meeting adjourned at 10:15 p.m.

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John P. Murray, Chairman

*Anne M. Morse*  
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Anne M. Morse, Vice Chairman

*Emile W. Niedzwiedz*  
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Emile W. Niedzwiedz

*Glenn E. Gerrior*  
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Glenn E. Gerrior

*Edward T. Moore*  
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Edward T. Moore