



## 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

MARCH 11, 1993

Meeting was called to order at 8:06 p.m. JM, EM and EN were present. Members GG and AM were absent.

#### SUBMISSION

81-P BEECH ST./PEART ST.

Attorney John Roche presents the 81-P for Thomas Fallon, Beech Street. The parcel is towards Milford. It is partly in Bellingham and partly in Franklin. They had to bring it to Franklin for their Planning Board's signature.

EM points out Bellingham and Franklin on the plan.

Attorney Roche explains that the owners want to sell their home. Since they did not have the required sideyard, they had to purchase a piece from their neighbor. This is an existing house and an existing house lot. They are buying a sliver to comply. There are notations on the plan.

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

JM asks what would happen if the neighbor refused to sell the land.

J. Roche responds that they would have to bring it to Land Court which would tie it up for awhile.

#### RAWSON FARM

#### CERTIFICATE OF RELEASE OF PERFORMANCE BOND

Attorney Bruce Lord presents a Certificate of Release for the Board's signature. He explains that the performance bond was submitted in October 1992 when the Board signed to release the lots. On that form, he showed the document number instead of the book and page. There was a problem when they went for a closing. The Board is going to get more of these because the closing attorneys are getting nasty. He presents the form which the



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Board signed in October 1992 as well as the Certificate of Release which he is asking the Board to sign today and notes that the only difference is that the book and page is put in instead of the document number.

EM makes a motion to sign the Certificate of Release for Rawson Farm. EN seconds motion. Unanimous vote of 3 to sign (JM, EM and EN).

### BEECHWOOD ESTATES DISCUSSION RE: ROAD

Richard Martinelli and Richard Desilets are here to discuss the road for Beechwood Estates. They do not understand why the road has not been completed and would like to know if and when it will be done. They have documents showing that the Board signed documents releasing the developer's mortgage. They have nothing to guarantee that their road will ever be done. They have met with the Board of Selectmen to discuss this. They are trying to get some answers.

B. Lord states that those documents have nothing to do with the agreement made between the developer and the town. The agreement was for a parcel of land on Hartford Avenue. If and when it is sold, the town will get the money needed to complete the road.

B. Lord refers to zoning regulations which require that there is a certain amount of time for the road to be completed before all the lots are sold. He suggests that they talk with P. Herr. Sally Dmytryck owns some of the lots in trust but not personally.

R. Desilets owed Mrs. Dmytryck \$15,000. He thought that he could hold that up so the developer would complete the road. But when the note came due, he had to pay it.

R. Martinelli could not take the money and not put it in escrow. They were afraid of the legal ramifications from Mrs. Dmytryck.

B. Lord notes that they could have claimed breach of contract because the developer did not complete the road. They discussed this before. As soon as they went default, it would have caused problems with the mortgage.

JM asks who takes care of the road.



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R. Martinelli responds that they do. His ball joints are full of mud. He has paid \$600 - \$700 in repairs on his truck because of the road. He is worried about his wife getting stuck with his son. You have to have a four wheel drive vehicle to get through.

R. Desilets points out that the mud is so thick that there is no control.

JM asks who plows the snow.

R. Martinelli and R. Desilets responds that they do. They purchased a loader for that reason. The town plows to the tar. They have been to the Board of Selectmen to discuss this situation. The town plows to the end of the pavement but they have to do the rest so they can get out.

R. Martinelli has a purchase and sale agreement for lots 2, 3 and 4 in the development. The guy who owns the lots wants the road complete. He is buying the lots to put a house up for his brother. A couple of the lots are unbuildable.

EM notes that he would hate to buy the lots if he could not get a road in.

R. Martinelli spent \$7,000 for the septic design for the piece of property which he has a purchase and sale agreement on. Until the culverts are working, it will continue to be a mud zone.

EM wonders if it would help if they dug it out and put stone in.

R. Martinelli got permission to take a big pile of crushed stone with dirt, but he has no means to haul it even though he does have the means to spread it.

B. Lord suggests that they ask Wilfred Arcand, Highway Director.

R. Martinelli responds that he has spoken with W. Arcand who indicated that he had no business being there because that it is not a town road.

EM explains that if the Highway Dept. goes in with a truck, they would be assuming liability and would set a precedent.

B. Lord thinks that they could get away with it because it



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jeopardizes public safety.

R. Martinelli points out that for the first storm in December 1992, it took them 27 hours to clean the back half of the unfinished road. The town cleaned the front half.

R. Desilets cleaned Beechwood before he went out to plow for the town. When he came back at 2:00 a.m., the town had made piles of snow when they cleaned the front half of the road. He could not get to his house. He had to get a tractor to get out of the snow bank.

EM states that while he was gone the town trucks went in and plowed them in.

## GENERAL BUSINESS

Clerk reads Bylaw proposal which was forwarded by Denis Fraine relative to a change for intersectionway or exiting from driveways blocked by hedges, fences and signs.

EM thinks that the town already has a Bylaw dealing with this issue on the books.

Board members direct Clerk to send the Bylaw proposal to P. Herr for his comment at the next meeting.

Clerk explains that Jackie Richard has notified her that Norman McLinden's term as Associate Member of the Planning Board is due to expire this month. If he will be renewed, the Board must forward a letter indicating so to the Board of Selectmen.

EM points out that Mr. McLinden is running for a seat on the Board of Health. He will ask him if he is interested in remaining as Associate Member for the Planning Board.

Clerk refers to a questionnaire submitted from the Executive Office of Communities and Development relative to Bellingham's community profile.

EM indicates that they should forward the questionnaire to P. Herr for completion because he has all that information.

EN makes a motion to adjourn at 8:40 p.m. EM seconds motion.



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Unanimous vote of 3 (JM, EM and EN) to adjourn.

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John P. Murray, Chairman

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Anne M. Morse, Vice Chairman

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*Emile W. Niedzwiedz*  
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Glenn E. Gerrior

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*Edward T. Moore*  
Edward T. Moore