



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

EDWARD T. MOORE, CHAIRMAN  
ANNE M. MORSE, VICE CHAIRMAN  
EMILE W. NIEDZWIADK  
GLENN E. GERRIOR  
ROLAND R. LAPRADE

## MINUTES OF REGULAR MEETING

MAY 13, 1993

Meeting was called to order at 7:42 p.m. Board members EM, AM, RL and GG were present. EN was absent.

### PLANNING BOARD REORGANIZATION

Vice Chairman AM turns the chair over to Clerk for Chairman nominations.

Clerk asks for nominations for Chairman.

GG nominates EM for Chairman. AM seconds nomination.

Clerk asks if there are any other nominations.

Unanimous vote of 3 for EM as Chairman (GG, AM and RL).

EM asks for nominations for Vice Chairman.

GG nominates EN as Vice Chairman. RL seconds nomination.

EM asks if there are any other nominations.

EM nominates AM as Vice Chairman and asks if there is a second for this nomination.

EM states that there is a unanimous vote for EN for Vice Chairman (EM, AM, GG and RL).

GG asks who would want to be secretary. Maybe they should reconsider EN as Vice Chairman.

RL makes a motion to reconsider the Vice Chairman position.

EM again calls for nominations for Vice Chairman.

RL nominates AM as Vice Chairman. GG seconds motion.

EM asks if there are any other nominations.



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Unanimous vote of 3 for AM as Vice Chairman (EM, RL and GG).

GG makes a motion for EN as Secretary. AM seconds motion.

EM asks if there are other nominations. Unanimous vote of 4 for EN as Secretary (EM, AM, GG and RL).

EM welcomes new member Roland LaPrade to the Planning Board.

AM makes a motion to reappoint Clerk Valerie J. DeAngelis. RL seconds motion. Unanimous vote of 4 (EM, AM, GG and RL).

### SUBMISSION

Frank Pirello submits a Form A, S1-P, resubmission of a plan which he previously submitted for Thayer. The plan was signed by the Board in December 1992. They added 5,000 square feet to lot 4. The pond water was low at the time it was submitted but when the pond elevation grew it made it not conform to the 90% Water Protections Act since the wetlands and vegetation were within 10 feet.

GG notes that it says on the plan revised May 10, 1993.

F. Pirello states that they changed the original lot 4. The angle in line projects out.

AM makes a motion to approve the revised plan. GG seconds motion. Unanimous vote of 4 (EM, AM, GG and RL).

### DALPE SPECIAL PERMIT

#### DISCUSSION RE: PLAN SIGNING

AM notes that a special permit requires the signature of 4 members on the plan. 3 signatures will not help them. The Board has a missing member tonight for a quorum for a special permit. New member Roland LaPrade did not act on the backlot special permit and can not sign the plan. She spoke with Town Counsel tonight relative to this matter. Rather than holding up the applicant, the Board can sign the plan with 3 signatures and forward a letter to the Building Inspector certifying that upon EN's return, the required 4th signature will be on the plan. The Board will send the Building Inspector a certified copy of the vote to sign the plan as well as a copy of the correspondence.



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from the Town Clerk certifying that the 20 day appeal period has passed. If there are any questions, he may contact Town Counsel. She further notes that her motion to sign the plan with 3 signatures and send a letter to the Building Inspector is contingent on the final signature of EN being on the plan upon his return.

GG seconds AM's motion. Vote of 3 (EM, AM and GG). RL abstains because he did not sit for this public hearing.

AM instructs Clerk to forward copies of the letter to Town Counsel and Mr. Ronald Dalpe, applicant.

Mrs. Dalpe asks Clerk to contact her when EN returns.

## DISCUSSION WITH KATHY DUFRESNE RE: POSSIBLE BACKLOT SPECIAL PERMIT

K. Dufresne presents a simple plan which her engineer drew up and explains that her father owns the two parcels.

GG asks where the property is on S. Main St.

K. Dufresne responds that it is near Whittings.

GG states that is where the rabbits are.

K. Dufresne points out the front of the house.

EM states that the plan has to be done by a registered land surveyor who certifies that there is 40,000 square feet in area.

AM asks how they will get into the property in the back.

Mr. Darling (Ms. Dufresne's father), states that there is a right of way.

K. Dufresne points out that right now her father owns both parcels.

Mr. Darling notes that he has two different deeds for both parcels.

AM indicates that they are giving the lot more land.



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K. Dufresne states that they are making the lot bigger.

EM asks if the garage will stay with this parcel.

K. Dufresne states that they are trying to square off the land.

Mr. Darling explains that the little piece of land has one deed. He is giving his daughter the piece of land in the back.

EM notes that one lot has no frontage but does have a right of way.

K. Dufresne states that there is 150 feet but she can see where they get the 40,000.

GG asks if the right of way is an easement.

Mr. Darling responds that it has been since 1945.

GG asks if it is in the deed.

Mr. Darling responds that it is.

K. Dufresne points out the frontage on the plan and the back existing lot. They want to give the existing lot more land. It falls under grandfathering but they want to give it more frontage. She asks if the Board sees any problem with the backlot.

AM believes that they are making 3 lots.

GG states that they are not making 3 lots. They are taking one lot and making it into two.

AM notes that by doing this they are taking away a lot. She asks about the zoning since it affects the required size for the frontage.

Mr. Darling responds that it is agricultural.

K. Dufresne states that it requires 40,000.

AM thinks that it must be suburban.



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K. Dufresne states there is 40,000 square feet with frontage to give to the existing lot.

AM does not think that they can do this since they are changing the nonconformity. The Board needs more dimensions on the plan to make a determination.

GG does not think that they have a problem.

AM states that the Board has to know the zoning and must have the figures in order to make a determination.

GG reviews the zoning map in the back of the room and determines that the zoning is suburban. He states that they have over 300,000 square feet available. He asks if the prospective applicant is in a rush to build next week.

K. Dufresne responds that they are not.

GG suggests that they return to the next meeting when Philip Herr, the Board's consultant is here.

EM thinks that Mr. Herr is going to tell them the same thing that the Board is telling them. If they get the required measurements, they do have the right to come in for a hearing.

GG states that they can make up 80,000 square feet between the two lots with the footprint in the back.

K. Dufresne wants to know if they are going in the right direction.

GG responds that yes, they are so they can go to see an engineer.

EM suggests that they bring the plan back on May 27, 1993 for P. Herr to review and comment.

GG states that they should wait two weeks before doing anything and come into the meeting with this same plan. They may need to document the two deeds.



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### MARCHAND BACKLOT SPECIAL PERMIT PUBLIC HEARING

EM opens the public hearing. He explains that a special permit requires the vote of 4 out of 5 members. The Board is one member short tonight so the applicants have the option of going ahead with just 4 members.

Clerk reads notice of public hearing.

EM asks the applicant if he wants to go ahead or continue the public hearing until all 5 members of the Board are present.

G. Marchand, applicant, responds that he would like to proceed.

EM notes that the Board saw this plan at the preliminary stage as an 81-P. He explains that lot 1 is an existing lot. Parcel A has 50' of frontage.

G. Marchand notes that it actually has 80' of frontage on the road.

EM states that the lot in the front has 150' of frontage which is legal. The lot in the back has 6.89 acres and more than 50' of frontage.

RL asks if the parcel is between the home and the machine shop.

G. Marchand responds that it is after the machine shop.

EM explains the public hearing procedure to the audience. The Board will review the plan. Then Board members will have the opportunity to ask questions after which he will call for questions from the audience.

Clerk spoke with P. Herr on the phone. He commented that this is a good use for the land and he sees no problem as long as there are no concerns from neighbors.

RL asks what the use of the land will be.

EM responds that it will be used for residential, a single family home.



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Richard Lavallee, direct abutter on the side, states that he has no questions or problems with this proposal.

EM asks if anyone else has any questions or problems relative to this backlot special permit.

AM makes a motion to close the public hearing. GG seconds motion. Unanimous vote of 4 to close the public hearing (EM, AM, GG and RL).

AM makes a motion to approve the backlot special permit for G. Marchand with reduced frontage. The lot has 50' rather than 150' and is approved with a single family home restriction. RL seconds motion. Unanimous vote of 4 to approve (EM, AM, GG and RL).

### USES ON WHEELS

### PROPOSED ZONING BYLAW

### CONTINUED PUBLIC HEARING

EM reopens the public hearing.

AM leaves the meeting at 8:25 p.m.

Clerk discussed this proposed zoning bylaw with P. Herr on the telephone. He spoke with Town Counsel and they both agree that there are revisions which should be made to Uses on Wheels but which can not be considered at this time because the public hearing was already advertised. P. Herr recommends passing over this article at this time. In the future, someone may decide to move forward on it again.

GG makes a motion to pass over this article on the Town Meeting floor. RL seconds motion. Unanimous vote of 3 (EM, GG and RL). AM not present.

EM states that the proposed bylaw says Uses on Wheels, but he asks what happens when they take the wheels off. There are people with tents and umbrellas selling flowers. The nurseries pay taxes but these vendors do not.

RL states that the issues is the taxes. Property owners are allowing people to sell on undeveloped land. The town gets more taxes with retail sales. If the taxes were too high, it would



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limit property owners from doing this.

EM notes that right now peddlars are licensed from the state. He refers to the Moonies who are not selling flowers, but are asking for a donation.

### ALTERNATIVE PROGRAM FOR PRINTING

GG states that the Board should look to the Alternative Program at the high school relative to printing the Zoning Bylaw. He advises Clerk to find out how they will get a new master for reprinting.

### PLANNING BOARD ASSOCIATE MEMBER

EM reads the Bylaw relative to an Associate Member. He instructs Clerk to advertise the opening for Alternate Member. It should be done as a press release including the recent reorganization of the Planning Board. It should state that due to the recent election of previous Alternate Member Norman McLinden to the Board of Health, the Planning Board now has an opening for the position of Alternate Member. Applicants may apply at the Board of Selectmen's office. The press release should be sent to the two newspapers and Cable 8 as well. A notice should also be posted on the bulletin board outside the Board of Selectmen's office.

### GENERAL DISCUSSION

#### REVIEW CORRESPONDENCE

EM asks if the Board has done anything in the past for a Planning Board member who leaves after being on the Board for a long time.

GG responds that they have not done anything in the past.

Clerk notes that she has spoken with the Accountant's office relative to the stipend for former member John Murray and new member Roland LaPrade. The stipend will be prorated for each member.

EM explains to RL that Board members receive a \$1,000 stipend yearly which can be taken monthly, but the Board chose to receive their stipend in December and July of each year.





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Clerk reads letter from John Tuttle, Board of Selectmen Chairman relative to town officials attendance at Town Meetings.

Clerk reads letter from John Tuttle relative to an All Boards Meeting scheduled for May 18, 1993 at 7:30 p.m. in the upper town hall.

Clerk reads letter from Kathy Harvey, Town Clerk, requesting the Board's reorganization.

GG refers to the Wasserman Property where they are fixing the septic system. They were forced to shut down a few stores to correct the problem.

Clerk is instructed to double check with the Registry of Deeds to find out if Roland LaPrade's signature is on record.

GG makes a motion to adjourn at 8:55 p.m. RL seconds motion. Unanimous vote of 3 to adjourn (EM, GG and RL). AM absent.

Edward T. Moore, Chairman

Anne M. Morse, Vice Chairman

Emile W. Niedzwiadek

Glenn E. Gerrior

Roland R. LaPrade