

## P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

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

#### MINUTES OF REGULAR MEETING

JUNE 24, 1993

Meeting was called to order at 7:40 p.m. All members were present. GG came in a little late. Board's consultant, Philip B. Herr, was also present.

#### SUBMISSIONS

Barbara Rhodes submits an 81-P, Form A for 251 Lake Street for one lot at the far end. There are two parcels. One separates the old house. There is a separate lot designated in the corner.

AM notes that the applicant's engineer did not put in the frontage or square footage.

B. Rhodes explains that lot one is the one being separated.

EM states that there is usually a note on the plan.

AM states that the division shown on lots one and two is from 1985.

EM states that there is 200' of frontage with almost 5 acres total.

AM questions what the zoning is.

B. Rhodes responds that it is agricultual.

EM states that it is big enough for the number of lots shown on plan two.

AM asks why there are lines on the plan.

B. Rhodes responds that they own everything.

EM believes that parts of the parcel were bought at a separate time.

AM thinks that it sounds like they are dividing parcel A without



## P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JUNE 24, 1993

frontage.

EM states that the whole thing on parcel A is on map 22.

P. Herr joins the discussion at 7:45 p.m.

EM explains the Form A submitted by Mrs. Rhodes to P. Herr.

- B. Rhodes explains that her father-in-law gave part of the land to Gert. Then Lloyd and Bert divided the business and separated the land out.
- P. Herr states there is 204' of frontage on the diagonal. It looks like there is 200'. Mrs. Rhodes' engineer did not do everything that he should have done.
- B. Rhodes is dividing the land in case their children need it later on. The whole lot is empty except for the house in the back.
- P. Herr asks what the district is.

AM responds that it is split business and agricultural.

EM explains that it is by Bellingham Lumber.

RL asks if Mrs. Rhodes' receives a separate tax bill for each lot.

B. Rhodes responds that she does. One is for 253 Lake Street.

EM notes that Mrs. Rhodes' engineer should have put a notation on the plan.

B. Rhodes submits another plan which shows the house, strip land and old farmhouse.

AM states that the frontage is 165.

- P. Herr states that they have enough frontage.
- B. Rhodes explains that she is submitting two separate 81-ps.
- P. Herr points out that the second one is creating lot 2.



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JUNE 24, 1993

EN notes that the second one is in a business district.

B. Rhodes states that the old shed is to be removed.

AM feels that the plan is confusing.

EM agrees, but he does not think that there is anything funny going on.

P. Herr suggests that the Board sign the plans.

AM makes a motion to sign the first 81-P, dated October 1991. EN seconds motion. Unanimous vote of 4 (GG not present).

B. Rhodes presents a check in the amount of \$20.00 for the two 81-Ps.

EM asks if there are any questions relative to the second plan, taking lot 2 which has 250' of frontage and over two acres.

AM makes a motion to approve the plan, dated January 4, 1993 dividing Parcels A2 and 2, taking lot 2 out of A1. EN seconds motion. Unanimous vote of 4 (GG not present).

Ray DeLano, from John DeLano & Associates, engineer, submits an 81-P on behalf of Kazmier and Elizabeth Kasprzyk for Registered Land. Mr. Kasprzyk owns the building on Farm Street which land is zoned industrial. He also owns the house up front. The parcels are in his and his wife's names.

- K. Kasprzyk states that he will have New England Construction Company add an addition to the manufacturing area. They want to move the lot line from lot C and existing lot B and come across on an angle. They will still meet the requirements for a residential lot.
- R. DeLano states that lot B and lot C will be combined with the industrial building. It will leave lot A for the existing house. They will have a 32 foot building to the line.

EM notes that this will need a site plan review later on.

K. Kasprzyk states that the addition meets the setback requirements. They will add 12,000 square feet to the building.



## P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JUNE 24, 1993

His company is Algonquin Instruments.

 ${\sf EM}$  points out that the notes relative to what they are doing are included on the plan.

AM makes a motion to sign the plan for Kazmier and Elizabeth Kasprzyk, 137 Farm Street. RL seconds motion. Unanimous vote of 4. GG not present.

### DISCUSSION WITH ROLAND MUELLER RE: POSSIBLE BACKLOT

Mr. Mueller explains that the whole lot is up for sale. He is concerned that there may be a discretion on the amount. The parcel is located on Mendon Street, near Mueller's Garage. If a buyer and he could not agree on a price, he is wondering if he would be able to chop out a piece in the back.

EM asks how they would get to that piece.

R. Mueller realizes that the piece to be chopped out would be landlocked but he feels there are potential buyers for the piece. Warren Cremens might want to purchase it or the Cogeneration Plant. The best scenario would be for him to sell the whole thing.

 ${\sf EM}$  states that it could be done as a Form A but it would be creating a lot without frontage.

- P. Herr questions if they have enough area.
- R. Mueller states that there is 2.7 acres.

AM questions what the zoning is.

- R. Mueller states that it is buiness one/commercial for 500 feet, then residential.
- P. Herr notes that the requirement for business is 20,000 square feet with  $125^{\circ}$  of frontage. Mr. Mueller has way more than 20,000 square feet.

AM states that he could go with a backlot special permit.



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

#### MINUTES OF REGULAR MEETING

JUNE 24, 1993

EM states that he has 172' and only needs 125' 🖃

AM explains that Mr. Mueller would have to have an engineer draw up the plan.

R. Mueller questions if he would have a right of way.

EN responds in the negative, it would be his land.

AM asks if he has 60' on the end.

R. Mueller responds that he does.

EM notes that he may have access. He could have an engineer draw up the plan. There would be no public hearing with an 81-F if he had the right amount of frontage and square footage.

P. Herr explains that the history of landlocked pieces is that no one wants to buy them.

AM states that Mr. Mueller may have access on the other side.

R. Mueller would think that Mr. Winiker would chop him out if he wanted.

EN states that he should not count on that,

AM thinks it might be more valuable to keep the land.

- R. Mueller asks if he could go for a variance.
- P. Herr states that he could try.

## MARCHAND BACKLOT SPECIAL PERMIT PLAN ENDORSEMENT

Clerk reads letter from the Town Clerk, dated June 18, 1993, stating that the 20 day appeal period has passed.

RL makes a motion to sign the plan. EN seconds motion. Unanimous vote of 4. (GG not present).

Members sign plan



## P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JUNE 24, 1993

PINE MEADOW HOMES
DEFINITIVE SUBDIVISION
PERFORMANCE BOND

AM abstains from the discussion since she has done business with the applicant.

Harland Smith, Esquire, states that he and the applicant, Alfred DaFrato, were here at the last meeting discussing putting up a mortgage for road security. Instead of the mortgage, they are putting up a passbook. He talked with Town Counsel today.

EM reads letter from Lee Ambler, Esquire, Town Counsel, dated June 24, 1993, stating that he has reviewed the following documents: Highway Dept. correspondence, dated June 24, 1993, indicating an acceptance of \$40,000 as security for the road proposal. Mr. Ambler states that it is his understanding from reading said correspondence that the 40,000 encompasses the additional funds necessary to do the same in the future. addition, thereto, Mr. Ambler has reviewed the Proposal of United Retek dated June 24, 1993, to Mr. DaPrato indicating a contractual price of \$34,895. He also reviewed a Speed Letter from the Bellingham Water/Sewer Dept. indicating an estimate of \$30,000 as adequate security for the purposes of the necessary Water Dept. estimated costs, and a proposal of quality asphalt for \$9,000 and quality paving and seal coating in the total amount of \$12,290, estimating therefore, a total cost for that of \$21,290. It is Town Counsel's understanding that as a result of the receipt and filing of these matters, and the subsequent receipt by the Board of a Bankbook in the amount of approximately \$72,000 would be adequate security for the Release of the Covenant concerning the above-described subdivision. that the Board please insure that the bankbook is a bankbook requiring signatures of a representative of the Town Bellingham and of the Developer, and that two signatures are required for any withdrawal or release of funds. In addition, the Board must acquire a signed withdrawal slip from the bank and from the account. The documentation will be presented to the Board for acceptance at the meeting of June 24, 1993 and that the vote would be such that the covenant can be signed and endorsed, but not released until the bank book has been received by the Board along with the supplemental information with regard to withdrawal slips



## P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JUNE 24, 1993

EM notes that the bankbook is not here tonight.

H. Smith presents letters noted in Town Counsel's letter from the Highway Dept., Water/Sewer Dept., as well as estimates for work to be completed.

EM reads letter from the Highway Dept., Wildred Arcand, dated June 24, 1993, stating that after careful review of the contract involving installation of drainage pipe, structures, detention area, seeding of disturbed area, asphalt binder, finish coat, and taking into consideration all the requirements of Section 325, subsection 3252 of the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham, it has been determined that the total amount of security itemized as indicated in attached contract to be \$40,000.

EM states that the \$40,000 only covers the paving and the road.

H. Smith replies that is correct.

EM reads estimate from United Retek, 100 Medway Road, Milford stating a total of \$34,895 for installing surface drainage and structures, fine grade gravel base and pave with 1 1/2 inch type I bituminous concrete binder as per plans as well as pave entire subdivision road with 1 1/2 inch type I bituminous concrete top including cape cod berm.

EM reads speed letter from Donald DiMartino, Water/Sewer Dept., dated June 22, 1993, stating that he has estimated the cost to install the water works in this subdivision. The estimated cost of 760' of water main, three hydrants, two line valves, one tapping sleeve and valve, and seven 3/4" services is \$30,000.

EM reads the invoice from Quality Paving and Seal Coating for water pipe 750' doctile iron, 3 mueller hydrants, 1 gate valve to be \$12,390.

EM reads proposal from Guality Asphalt for installing the 750' 8" ductile iron water main, to include one gate valve, 3 mueller hydrants to be \$9,000.

EM notes that the applicant has everything but the bankbook.

H. Smith indicates that is correct.



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JUNE 24, 1993

EM asks why.

P. Herr points out that they have not included the meets and bounds, loaming and seeding, street sign and as-built plan.

EM thought that he saw seeding in the estimiates. Yes, it says seeding and finished coat.

GG joins the meeting at 8:40 p.m.

EM further states that they are missing the as-built plan which shows the meets and bounds.

Clerk notes that there is no covenant in the file.

P. Herr asks how the plan could have gotten signed without a covenant. There should be a covenant in place and it should have been recorded. There should be language included for a provision on the circumstances on how the town can get the bankbook. There should be a release for the covenant after the Board accepts the performance bond. These are the three pieces which are missing from the file.

EM states that the covenant is security. The covenant should be referred to on the plan.

P. Herr indicates that the bankbook alone does not do it. They need an agreement. He cautions the Board from making a vote with documentation which does not exist.

EM states that they do not need a covenant as long as there is an agreement with the bankbook.

P. Herr indicates that the performance bond should have two years on it.

EM calls for a ten minute recess to given Attorney Smith the opportunity to prepare a performance bond.

P. Herr notes that Ben Franklin Savings Bank and the account number should be referenced on the performance agreement.

EN asks if the amount they are quoting is sufficient with the rest of the stuff which is to be added.



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JUNE 24, 1993

 $\mathsf{EM}$  states that  $\mathsf{yes},$  there is enough, except for the meets and bounds.

EN asks if the 15% has been added.

EM responds that it has already been added.

A. DaFrato states that 10% was added now. After they go through 3 winters or until the street is accepted. 15% will be added later on.

STALLBROOK CENTER
DISCUSSION WITH TED TYE, NDAI
RE: PLAN REVISION

GG states that D. Fraine filled him in on the light. The state has put it up to bid.

Ted Tye states that in 1991 the special permit for Stallbrook Center was granted. He reads the special permit decision stating approval for a gross floor area of 260,000. Since it was originally approved, the buildings were modified slightly. They came back one time with a change. They leased up the left side of Almacs and leased up the right side to two stores. The president of a national company is looking at the site and will give final approval shortly. Approval is predicated on getting the company built and open by the end of September 1993. He is here to show the change and make sure there is no problem with the change. There is a variation from the last set of plans. The plan tonight evens out the back allowing for more square footage. It deletes a building, leaves the parking and puts in an ATM machine.

EM asks if it would be deleted forever.

T. Tye responds in the affirmative. It allows for more building space. The proposed tenant needs parking in the front of the store. The only way to get it is to delete the building. It keeps the aisleway going through for the trucks.

RL states that it is a one for one tradeoff.

T. Tye points out that this change keeps the square footage at 254,000+ which is under the 260,000+



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

#### MINUTES OF REGULAR MEETING

JUNE 24, 1993

EM asks P. Herr is he agrees with this assessment since he spent more time reviewing the proposal.

P. Herr agrees.

T. Tye states that one could argue that there is plenty of parking but the new guy needs it in the front of the store. This proposal could fall through next Wednesday, however. The question is does the Board think this is a nonsubstantial change?

EM thinks that it is substantial enough to require a public hearing.

P. Herr does not think there is any way this would require a special permit amendment hearing. It is debatable whether or not it requires a Developmental Plan Review. The Board should give Mr. Tye assurance that should this require Developmental Plan Review, the Board thinks that the revision is a good idea.

AM states that Mr. Tye could go back to his potential client and then come back for the DPR.

P. Herr thinks that is being very cautious. To him, there is the same amount of traffic and the circulation might help it out:

EM asks P. Herr if he thinks it would require DPR.

P. Herr states that it would only to be safe.

EM thought there was a place in the Bylaws stating that the Planning Board could make a judgment call.

P. Herr asks if it is the Building Inspector's practice to issue a permit for a foundation without DPR.

EM does not believe he is doing that.

- T. Tye notes that the difference in the plan is what they are not building a building which is shown on the plans.
- P. Herr states that the Planning Board could make a determination that the revised plan is within the scope of the special permit which was previously approved and raises no alteration from the previously approved site plan.



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

#### MINUTES OF REGULAR MEETING

JUNE 24, 1993

GG makes a motion to send the Building Inspector a letter with a copy to Mr. Tye stating what Mr. Herr just said relative to the revision being within the scope of the special permit. His motion is made relative to the revised plan, dated June 23, 1973 for Retail F. AM seconds motion. Unanimous vote of 4.

EM asks about the sidewalk out front.

T. Tye states that the approval says that a sidewalk be built and it is. It was not part of the original condition relative to putting the sidewalk elsewhere. They can not put a sidewalk in the state right of way.

### DISCUSSION WITH DENIS FRAINE RELATIVE TO THE STRATEGIC PLANNING GRANT

D. Fraine advises the Board that the town's attorney will be in Bellingham tomorrow to discuss the Evergreen Construction site plan as well as review files. He asks EM if he will be available between 9:00 a.m. and 1:00 p.m. to discuss the case with the attorney.

EM will try to make it

D. Fraine notes that a couple of months ago the Economic Development Task Force was in to talk about possible rezoning. There were a lot of issues raised relative to access, utilities and a whole spectrum of other issues as well. The Industrial Developmental Commission picked up the ball and has begun to run with it. There is a lot of industrial property up and down Hartford Avenue. The Industrial Development Commission has asked him to put together a grant application seeking funds for consulting expertise. They are seeking a municipal incentive grant. He reads their objectives listed which includes developing land and some other issues which need to be looked at. Tonight he is here to get the Planning Board's endorsement to petition the EOCD for grant funds.

EM asks the amount of the grant.

D. Fraine responds that it is \$3,000 and another \$3,000 will come from WalMart.

AM asks what the money will go towards.



## P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

#### MINUTES OF REGULAR MEETING

JUNE 24, 1993

D. Fraine responds that it will be used for the hiring of a consultant to assist in the study and review of the property which they are discussing along Hartford Avenue. They are just referring to that immediate area. Rapid development may not be the most appropriate right now. He had a meeting with T. Tye who gave him insight relative to the most appropriate use of the land. They will look at having a marketing study done.

EM asks how this is different from all the money which the developers spent to look at this situation.

- D. Fraine notes that it is now the town who is doing the study. The town is doing what is best for the town and what they can afford for an infrastructure.
- P. Herr states that the west side of 495 has not really been looked at. One of the issues is that in the past the landowners could not get together. Now they are. Nothing but good things can come out of this. Right now they have the opportunity to look at the situation and steer it the right way. The developers involved including Mr. Hill, Varneys and Fafard have been meeting with the town.
- D. Fraine notes that they are applying for 3 grants under one program. They are working with the Massachusetts Alliance for Economic Development. He would like to get the Flanning Board support. The grant application has to be done next week. He will prepare it and fax it to F. Herr for his comments. It requires EM's signature as Chairman of the Planning Board.

EM asks if the study will encompass the other side of 475.

D. Fraine responds that it will include both sides.

AM asks if there is anything negative about the grant:

D. Fraine responds that they are looking to get \$30,000 from the state to help with the planning. They really want to take a look at the wetlands, resources, and type of industrial development which would be best suited for the area and the town. They want to bring the developers together. There is 400 acres of usable land on the Fafard side and 80 on the other side. CVS is looking here and Van Leer.



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JUNE 24, 1993

AM asks if this would stop Shoppes at City Lights.

D. Fraine notes that it would not stop anyone.

RL points out that Fafard has been in on all of the discussions. Anything which will get built will ensure that he has access to the road which is built.

- P. Herr indicates that the negative may be that they could have done something else with the grant program.
- D. Fraine advises that the applications are due July 2, 1973 and they are not planning to do anything else with the grant. They hope that the Planning Board as a whole will be kept in a loop. They want to talk about how to put together a task force. The Planning Board will be a key part of the process.
- P. Herr points out that there will be zoning changes at least to the map. The east side of the map does not make sense now.
- D. Fraine states that tonight he is looking for the Board's support.

RL makes a motion to support the application for the Strategic grant under the Municipal Incentive Program.

GG asks if RL will sign as Chairman of the Industrial Development Commission.

D. Fraine responds that the Chief Executive Officer of the Lown, John Tuttle will sign the grant.

AM seconds RL's motion to endorse the application for the Strategic Planning Grant. Unanimous vote of 5.

D. Fraine will prepare a letter endorsing the grant for  $\mathtt{EM}^*\mathtt{s}$  signature.

EM asks Board members if they have any problem with him signing the letter.

Board members responds that they do not.

P. Herr asks if there are any other grants.



### P.O. BOX 43

#### **BELLINGHAM, MASSACHUSETTS 02019**

#### MINUTES OF REGULAR MEETING

JUNE 24, 1993

D. Fraine responds that there is a services innovation grant with Franklin and Wrentham. They will study whether or not it would be more efficient for delivering services. Also personnel is looking at the requirements relative to recordkeeping. Those are municipal incentive grants, not the same thing as strategic.

### DISCUSSION RELATIVE TO ALTERNATE MEMBER APPLICATIONS

EM points out that the Board has received 3 application for the position of alternate member.

Clerk notes that the applicants include William Wozniak, Russell Phillips, Jr., and James G. Duncan.

P. Herr states that there is nothing in the statute which states that the Alternate Member has to be a registered voter.

EN will not vote for anyone who is not a registered voter.

## <u>PINE MEADOW HOMES CONTINUED</u> DISCUSSION RELATIVE TO PERFORMANCE BOND

Harland Smith, Esquire, presents the performance bond agreement secured by deposit which he has just prepared.

P. Herr states that the last sentence added in is consistent with the requirements. By inference it includes the placement of bounds which are \$150 each. He does not know how many are involved. He questions the amount.

EM reads the Performance Bond and notes that there is no account number for withdrawal slip included.

A. DaPrato notes that Attorney Ambler's letter addresses the issue of the withdrawal slip.

EM reads Form 6, Certificate of Release asking for the release of all lots. It releases all lots and says that the work has been completed.

H. Smith states that it says that the requirements for work are putting the \$72,000 in the bank for the completion of the work.

EN states that they may need more than \$72,000.



### **P.O. BOX 43**

#### **BELLINGHAM, MASSACHUSETTS 02019**

#### MINUTES OF REGULAR MEETING

JUNE 24<sub>9</sub> 1993

H. Smith states that it was put in as part of the performance bond.

A. DaPrato indicates that 10% was included for inflation.

EM will entertain a motion to sign the certificate of release and hold it until the money is placed in a passbook and all signature cards are on file with the Town Treasurer.

RL makes the above motion. GG seconds motion. Vote of 4 (EM, EN, GG and RL). AM abstains.

Board members sign the certificate of release and EM notorizes the Form G.

Clerk is instructed to hold onto the Certificate of Release intil she receives notification from the Town Treasurer that the bankbook and withdrawal slip have been received. Clerk will also send send a letter to the Town Treasurer relative to the vote for this performance bond,

### SUBMISSION

Michael Burr submits an 81-P, Form A, indicating that 20 feet is being swapped for 20' between neighbors on Lake Street.

AM makes a motion to approve the 81-P, Form A. EN seconds motion. Unanimous vote of 5 (EM, EN, 66, RL and AM)

GG asks who the neighbor is.

M. Burr responds that it is Matt Ferris.

### GENERAL DISCUSSION

P. Herr points out that in March 1993 an issue was presented to the Board relative to fencing in detention basins. Some residents want them fenced and also be able to see in. He put a piece in the zoning relative to the Stormwater Amendment facilities and related issues which meet the subdivision regulations. He also refers to the Subdivision Regulations Technical Revisions which applies to someone who receives a variance for reduced frontage but still has a subdivision. This will make for an easier process than the usual one. Half of this



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

#### MINUTES OF REGULAR MEETING

JUNE 24, 1993

second issue came up during a recent court case. The Court of Appeals said that if one can not get to a lot then it is a subdivision and the Planning Board has the authority to refuse to endorse the 81-F. This case applied to some Nantucket people who divided some land. The front was on a town road. The Nantucket Land Council won the case. This will adopt standards for what it means to get a lot. The court said that if any vehicle can get down a road any way then the Board would have to sign. These are the kind of standards in the regulations. It goes beyond what the court would support. It changed taking public road out. Now there are just private ways and public ways. Subject to interruption one has to have another way to get there.

EN asks how this will change or affect the porkchop lots.

P. Herr responds that it will not change at all.

EM asks if it will affect paper streets.

P. Herr responds that it will. The only thing changed by this is a town accepted street. If it has been accepted this change takes away the standards.

EM thinks that it does apply to Arthur Street by Tony's Restaurant.

P. Herr believes that it takes away the clarity which was there before. Now it is fuzzy. This is a more substantial change than the first one noted above. It does not have to go to Town Meeting however, since it is a subdivision change. He also refers to Section 2(d), of the present regulations which says \$1.00. Now they are consistent with both \$1.00. Item 3 clarifies Section 4224. He suggests that the Board look at these proposed changes between now and the next meeting so they can discuss it at the next meeting.

EM asks if they have to have a public hearing for these changes even though it does not go to Town Meeting.

P. Herr responds in the affirmative.

RL asks why the changes do not have to go to the Town Meeting.

P. Herr explains that they are regulations of the Planning Board.



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

#### MINUTES OF REGULAR MEETING

JUNE 24, 1993

That is also why they can not waive it. He refers to the little industrial part on the northeast side of Depot Street. They wanted to know if they have to have 100' in the front yard. He knows that it needs a 100' setback on Depot Street.

### DISCUSSION RELATIVE TO INTERMUNICIPAL AGREEMENTS

Clerk reads letter from Water/Sewer Donald DiMartino, Superintendent, dated June 10, 1993 stating that in recent weeks the Board of Water & Sewer Commissions has been approached by the Town of Franklin regarding a sewer connection. They would like to service the Franklin subdivision known as Prospect Heights with sewer service, by running a force main down South Maple Street and connecting into the Bellingham sewer line in South Maple Street. The Town Meeting voted Betterment Assessment Regulations require that the Commissioners charge a privilege fee to anyone who wishes to connect to our sewer system. He and Denis Fraine have been researching ways to waive this fee for Franklin or grant them a right of way or easement to make these connections. They have found no legal ways to do that. acceptable manner of resolving this issue would preparation of an intermunicipal agrieement between the two towns. He notes that Mr. Ambler agrees that an agreement should be prepared to include all intermunicipal issues, such as school bus routing, schools, snow removal, sanding, utility right of easements and sewer treatment plant capacity. Such an agreement was prepared by Town Counsel a few years back but it was turned down by the Franklin Town Council. He asks if P. Herr prepared such a document in the past. He further states that if the Planning Board is interested in pursuing this agreement. they would be glad to supply as much input and assistance as possible.

Clerk reads letter from Lee Ambler to the Water/Sower Dept., dated June 15, 1993 relative to the same issuer indicating that the agreement represents excellent advance planning. He would be willing to meet with any person at any time in order to attempt to facilitate these matters if there are recommended procedures that may be presented.

P. Herr refers to some time ago when they had a wonderful joint meeting with Franklin officials. The Planning Board worked up some subdivision regulations which were referred to the Board of Selectmen and never finished.



## P.O. BOX 43 BELLINGHAM. MASSACHUSETTS 02019

### MINUTES OF REGULAR MEETING

JUNE 24, 1993

EM notes that because of Franklin they had to make the dump road L shaped. That was something which Bellingham did not want but Franklin refused to cooperate. He does not think that the town should waive the fee for the Franklin developer. The Town does not do it for developers here.

P. Herr believes that someone should speak with Town Counsel to find out where the negotiations are.

EM notes that Mr. DiMartino is asking the Planning Board and P. Herr to look at the situation. He refers the issue to P. Herr for further study. P. Herr should discuss the situation with D. Fraine.

P. Herr refers to the 495 crossing in Franklin. Franklin Wanted Bellingham to participate but Bellingham would not.

# RUSSELL PHILLIPS PROSPECTIVE ALTERNATE MEMBER CANDIDATE

Mr. Phillips points out that he is an applicant for the Alternate Member position with the Planning Board. He is presently on the Industrial Development Commission.

Board members are given copies of the applications for the three applicants, Russell Phillips, James Duncan, and William Wozniak.

EM states that members will review the applications and hold a joint meeting with the Board of Selectmen, possibly at their July 12, 1993 meeting. Clerk will contact the Selectmen to arrange.

66 makes a motion to adjourn at 10:30 p.m. RL seconds. Unanimous vote of 5 to adjourn.



# P.O. BOX 43 BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JUNE 24, 1993

Edward T. Moore, Chairman

Anne M. Morse, Vice Chairman

Emile W. Niedzwiasek
Emile W. Niedzwiadek

Emile W. Niedzwiadek

Glenn E. Gerrior

Roland R. LaFrada