



# 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. LAFRADE

## MINUTES OF REGULAR MEETING

JULY 22, 1993

Meeting was called to order at 7:45 p.m. EM, EN, RL and GG were present. GG arrived after the meeting commenced. AM was absent. Board's consultant, Philip B. Herr, was also present.

### SUBMISSIONS

Mark Nyberg, submits an 81-P, Form A for Armand Dauphin, Rakeville Circle for 3 existing lots. They are making two lots out of three. The owner owns lots 5 and 4. He is conveying half of lot 4 to his neighbor.

EN asks where the house is.

M. Nyberg points it out on the plan. The neighbor is buying half of an existing lot.

EM asks what happens to the rest.

M. Nybert responds that the owner is getting the other half.

EN asks if this will become contiguous.

M. Nyberg states that it is unusual to give up an existing lot. He tried to talk the owner out of it but this is what he wants. The problem is that the existing lot line is close to the neighbor's house.

EN makes a motion to approve the 81-P, Form A. RL seconds motion. Vote of 3 (EM, EN and RL). GG and AM not present.

### 81-P SUBMISSION

GG and P. Herr join the meeting at 7:44 p.m.

Sandy Flynn and Ken Johnson submit an 81-P, Form A for 90 Pine Grove Avenue due to a 6 1/2" encroachment. They present a map depicting a blown up portion of the land swap. The land area has not changed.



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

EN asks if the parcels are back to back.

EM indicates that they are taking the wedges out. He asks where is the notation saying what this is and why it is not on the plan. It makes it easier to tell what the applicant is doing. He states that the building is too close to the line.

P. Herr notes that this does not change the frontage or the square footage. This is not a subdivision.

EN makes a motion to approve this 81-P, Form A. RL seconds motion. Vote of 4. (EM, EN, RL and GG). AM absent.

## DISCUSSION RE: POSSIBLE SUBDIVISION MECHANIC STREET MARC STANAISCIA

Marc Stanaiscia owns the parcel of land on Mechanic Street which is for sale by Costello Realty. It has been brought to his attention that a subdivision requires 20,000 square foot lots.

EM points out where the parcel is, right down on the left after the general store.

M. Stanaiscia explains that this is a 4 acre parcel which is zoned business. He points out the proximity of the land to the town land and cemetery. There is no access to Varney property.

EM asks if there are a couple of houses here.

M. Stanaiscia is here to try and get some ideas and some direction. His intention is to build houses. This is a beautiful commercial lot which they have been trying to market for 10 - 15 years. The parcel is sewered, but they can not reach the sewer because of gravity. He talked with the Sewer Commissioner who said there is no problem with septic or individual pumps.

EM asks if the Water/Sewer Dept. allows individual pumps.

B. Lord states that it would seem better.

M. Stanaiscia points out that there is under a two minute perc rate. There is beautiful gravel on the site so there is no



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

problem with the septic.

EM asks what the wide borders on the plan are.

M. Stanaiscia states that they are the setbacks. They could leave the access to the town before they spend a lot of money on the engineering. He asks for direction relative to this.

EM indicates that there are 7 lots in all. He asks if Mr. Stanaiscia's engineer compared the lots to the requirements in the subdivision book.

P. Herr states that on the face it looks like it works. He asks if they have 125' frontage and 20,000 square foot lots.

M. Stanaiscia responds in the affirmative. The only thing that they have a question about is the drainage. He asks if the Board prefers a detention pond. There are no wetlands involved because it is all high and dry. The land slopes naturally. For the drainage design, they could have retention or detention or underground.

P. Herr points out that they may lose a lot as a result of the drainage. He asks if there is a stream nearby.

M. Stanaiscia responds that there is not to his knowledge. It eventually goes back to the river.

P. Herr asks why he likes red better on the plan.

M. Stanaiscia responds that the lot is bigger. People like square lots. The town would get access to the property and may benefit as a result of that.

EM notes that the Bylaw says that they can not increase runoff more than 10%.

## EVERGREEN ESTATES LOT RELEASE FOR 14 KATHY DRIVE

Town Counsel reviews the lot release request and asks where Kathy Drive is.

EM responds that it near Wethersfield.



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

L. Ambler asks if the whole circle is called Kathy Drive.

EM thinks it is because of the loop.

EM asks if there is a motion relative to the request for lot release, Form G, Certificate of Release for lot 7, Kathy Drive in the Evergreen Estates definitive subdivision.

RL makes a motion to sign the Certificate of Release. GG seconds motion. Vote of 4 (EM, EN, RL and GG). AM absent.

EM notes that the subdivision is all built. Apparently someone is selling their house and they need to get the lot release.

### RIVERVIEW PARK, PHASES II AND V DEFINITIVE SUBDIVISIONS CONTINUED PUBLIC HEARINGS

Janice Hannert is here on behalf of Fafard Company to request an extension for Phases II and V. She points out the locations of the subdivision on the plan and states that she would be happy to answer questions.

EM states that Phases II and V have no access and frontage.

J. Hannert indicates that it is actually difficult access. Phase V is an island.

EM asks how long of an extension they are requesting.

J. Hannert requests a 6 month extension.

L. Ambler thought that the Board needed a reason to grant an extension.

J. Hannert states that the reason is the economy. They are still working on Phases II and IV trying to attract a suitable industrial client.

EM asks if there are any questions from the Board and/or from the audience.

RL makes a motion to approve the request for extension and continuances of Riverview Park, Phases II and V. The public



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

hearings are continued to January 27, 1993 at 8:00 p.m. with approval for an extension to February 15, 1993. GG seconds motion. Vote of 4. (EM, EN, RL and GG). AM absent.

SHORES AT SILVER LAKE  
DEFINITIVE SUBDIVISION  
DISCUSSION RE: LITIGATION

James McLoughlin, Fafard Company, explains that he forwarded a letter to Attorney Ambler relative to the settled litigation.

EM thought the discussion was for the subdivision, but his agenda says the special permit.

Clerk notes that was her mistake. They are in fact discussing the definitive subdivision.

J. McLoughlin explains that originally the sewer line was proposed for Silver Lake through the center of Bellingham to Pilgrim Village. It is no longer necessary since other sewer routes have been installed and are in place. He talked with P. Herr relative to condition A2 of the definitive subdivision approval for the sewer. Originally they had planned to take the sewer all the way to Silver Lake to the north end of Bellingham. The question is that they got a letter from the Charles River District stating that they really do not have jurisdiction up to the town of Bellingham.

P. Herr notes that at least one member of the Planning Board was not party to this subdivision. He explains that the subdivision was divided into 3 lots with the road configuration designed to serve a condo development which was proposed at the time pending seeking special permit. The Planning Board approved the subdivision plan with a series of conditions which were inspired by the concern regarding uncertainties relative to the whole matter. The plan only made sense if the development proved feasible. The town did not have a Water/Sewer Commission at the time. There were issues regarding the water district. There were a series of conditions because the Planning Board wanted documentation. That was appealed. Now the developer is willing to comply with the conditions except those which have become moot. If the Board agrees, the litigation will be dropped. There are 4 items which are requested to be dropped. They can quickly agree that conditions 1, 3 and 4 need no longer remain. He has



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

### MINUTES OF REGULAR MEETING

JULY 22, 1993

no concern with the first half of condition 2.

L. Ambler points out that capacity is of no concern.

P. Herr states that they do not know if anything he is hearing says that capacity is a concern. A simple letter will take care of it.

EM could not imagine that capacity would be a concern.

P. Herr refers to the allocation for capacity for the town of Bellingham. He heard that the capacity is nearly exhausted.

L. Ambler checked with Mr. DiMartino. As many people as they thought would tie in to the sewer have not done so.

EM states that they should have a letter detailing the capacity from the Water/Sewer Dept so people can not say later on that they can not tie in because they gave the capacity to this development.

P. Herr states that at the point in the middle there is an uncertain situation. He does not know why they would treat this subdivision different from any other.

L. Ambler notes that the developer could have an approved plan but with no capacity they can not do anything.

P. Herr points out that this plan does not make sense unless the development is sewer. In his view, the issue relative to this plan does not make sense. The pretention is predicated on it being sewer.

L. Ambler asks why they are concerned about 3 potential structures and capacity.

P. Herr states that is if that get a special permit.

L. Ambler indicates that the condition can be put on there. He is concerned with condition number 1. He questions how they will get the title for the easement to the property if the easements for the sewer are going in. They will convey the easement rights where the sewer is going in.



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

## MINUTES OF REGULAR MEETING

JULY 22, 1993

B. Lord states that is not the same as the water line easement on the plan. There is no need for the verbiage. The road will be deeded to the town and all the easements will be deeded with it.

J. McLoughlin indicates that there is no problem in agreeing to provide whatever easements the town desires.

EM reads letter presented by Mr. McLoughlin, dated July 22, 1993. He asks if they need to change the numbers of the conditions and have a new decision.

L. Ambler responds that it is a matter of semantics. Number 1 reads to provide us with easements for the sewer line and extension. Numbers 2, 3 and 4 are deleted.

EM asks why they will delete them. It has been ten years now. Shouldn't one reference the other.

L. Ambler states that it is up to the Board to grant authorization to him to enter into an agreement to stop the suit prior to this being amended.

EM asks about changing the numbers.

L. Ambler states that they do not have to change the numbers.

EN asks what the funds will refer to.

J. McLoughlin states that at the time they were proposing to tie into Pilgrim Village. This will grant the money associated with it for both the state and federal level.

L. Ambler states that those are the funds which were used to construct the sewer line.

P. Herr states that they should reference funds for the federal grant money to get down from Pilgrim Village.

EM states that the question is whether the Board wants to let Town Counsel draw up an agreement so the lawsuit can be dropped. There is a change to the decision but they are not adding, just deleting.

EN states that they will add to number 1. He makes a motion to



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

change number 1 as per conversation here with Town Counsel relative to the easement. The rest will stand as stated here. The nature of the motion is to authorize L. Ambler to enter into dismissal of a case of Fafard vs. the Town of Bellingham, Case # 86-307C subject to their agreement to modify paragraph #1 with the deletion of # 2, 3 and 4 of the definitive subdivision decision as well as granting an extension of time for # 5, 6 and 7 to August 31, 1994.

### QUALITY AUTO SALES

FRED SANTUOSSO, PROPRIETOR

### DISCUSSION RE: ADDITIONAL PARKING

B. Lord is here on behalf of Mr. Santuosso. He runs a nice used car lot. He leased a portion the T & J parcel next door to display his used cars. He is asking permission to pave an 80 x 100' section of their property. He actually already did the paving and did not know that he had to seek approval from the Board. Technically, he is required to have a site plan review relative to this change. The area which was paved had scrub vegetation and no real growth.

EN states that it is not on his land. In order to use someone else's land, he believes that Mr. Santuosso has to get permission from the Board of Selectmen.

B. Lord states that technically this requires a Developmental Plan Review. However, the situation is that the cost to have an engineer draw up the plan is really a waste. He requires an extension of the permit for the used car license from the Board of Selectmen. He is not really disturbing any vegetation that is there.

GG states that Mr. Santuosso is using the leased property to display his used cars.

B. Lord notes that he wants to take the cars from in front of the motel and put them off to the side.

P. Herr notes for the Planning Board minutes that there have been so many cases where applicants do not need to go for Developmental Plan review. They are all special cases. Maybe they need to change the law. Everytime there is a sanction, more people come in after the fact. What is disturbing him is the



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

pattern.

EM refers to the Developmental Plan Review which was approved for Stallbrook Center. There was supposed to be an emergency access but they built the McDonald's right in the middle of it.

P. Herr raised that issue with Mr. Tye when he reviewed the plans. Mr. Tye orally told him that the drawing was wrong.

EM notes that in this particular situation there are no trees or landscaping.

RL believes that T & J should be here because it is their lot.

B. Lord points out that he drew this plan up a few minutes ago. It is not completely to scale.

GG believes that this is the same situation as Schaeffer Nursery and they were not required to come in for Developmental Plan Review.

P. Herr thinks that the Board should go to the next Town Meeting and ask for the Planning Board to use their judgment relative to these issues.

GG reiterates that this was basically the same situation as Schaeffer's except that his was to accomodate customers. He refers to the Developmental Plan Review for New England Bonsai. They have 5 huge buildings on their location which were not on the approved plan. In addition, the hedge is nonexistent.

EN suggests they send a letter to the Building Inspector since he is the enforcing agent asking him to look at New England Bonsai. There should be a review process of the site plan review approvals.

P. Herr notes that there is a stipulation in the book which says that no occupancy permits be given until the applicant brings in a plan showing what is built.

EM notes that in this particular situation no vegetation has been removed, no building permits are required and the site was already used as a parking lot.



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

## MINUTES OF REGULAR MEETING

JULY 22, 1993

EN questions how this will effect the owner of the parcel, taking the parking away from one business for another.

EM notes that T & J does require so many parking spaces.

B. Lord states that it requires 3 or 4 for this place.

EM indicates that they all know there is enough parking now but what happens if they sell.

GG notes that the lease will be broken anyway.

P. Herr states it appears that they are not required to come in since there is no new building, no addition and it does not result in fewer spaces than required with no vegetation. The applicant is voluntarily adding spaces. He notes that the question may have to do with the Building Inspector or the Board of Selectmen. He asks for substantive suggestions.

EM states that maybe the Board should require Mr. Santuosso to put a fence around the parking lot.

EN asks about water runoff.

EM responds that there is none since it was level already.

GG asks if Mr. Santuosso is going to light the additional parking.

EM notes that if lights are added they will have to be on the plan.

B. Lord explains that Mr. Santuosso owns two businesses which are well kept.

EM suggests the Board send a letter to the Building Inspector indicating that they do not feel that Mr. Santuosso is required to come in under Section 1420, Developmental Plan Review since there is no vegetation, no addition, etc. as noted above.

P. Herr further states that the letter should indicate that the Board reviewed the substance of what has been done and has no objection to the additional parking area.



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

## MINUTES OF REGULAR MEETING

JULY 22, 1993

EN thinks that maybe they should change the Bylaw relative to the rules and regulations.

P. Herr will draft an article to give the Planning Board leeway regarding the Developmental Plan Review. He would question whether or not it would pass a Town Meeting.

GG makes a motion to send the letter noted above to the Building Inspector. RL seconds motion. Vote of 4 (EM, EN, RL and GG). AM absent.

## DISCUSSION RE: MCDONALDS

P. Herr explains that they originally wanted to move the dumpster but the engineer thought that it was not a good idea so they dropped it. Before he looked at the plan, he raised inconsistencies. The Building Inspector will not allow something which is inconsistent with an approved plan. The issues raised involve landscaping and lighting.

GG asks who's mistake it is.

P. Herr does not know. He refers to ramp light accidents. Back in March 1993, the developer presented a plan before the Board with part in one district. There is nothing in the Zoning Bylaw which makes it clear. He will write an amendment to deal with it. He passes out an amendment relative to split lot dimensional zoning. The business district requires they carry 30' but they need to satisfy the lot area requirement. Part B says that yes it does. A residential lot is not obliged to have a 100' buffer but an industrial lot is.

B. Lord asks about the frontage for a residential when the back is suburban.

P. Herr responds that house uses are allowed in both districts. The Board may want to send these proposed amendments to L. Ambler for his review and/or comments.

EM instructs Clerk to forward the proposed amendments to L. Ambler for his comments.

EM refers to a cogeneration plant near Northeastern University which does not make a sound.



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

## MINUTES OF REGULAR MEETING

JULY 22, 1993

B. Lord states that the plant was built that way and originally supplied if the water was cooled. The fans move the noise out doors.

P. Herr notes that the issue for the Boston plant is that they uses Nitros Oxide which is a problem since there are a lot of healthy sensitive people in the area.

EM declares a 5 minutes recess before commencing with the Associate Member interviews.

RL did call the Ethics Commission to settle whether or not there was a conflict since he is the Chairman of the Industrial Development Committee. There is no problem.

GG notes that it is always better to call since it could lead to problems later on.

EM reads Section 1430 of the Zoning Bylaw relative to appointment of the Associate Member. The Bylaw was written that it be a joint appointment. Therefore, the Planning Board must meet with the Board of Selectmen to appoint jointly.

## ASSOCIATE MEMBER INTERVIEWS

William Wozniak, 5 Brook Street, is here to apply for the position of Alternate Member.

RL asks if he has had any building experience.

W. Wozniak responds that he holds a contractor's license. He has built 6 houses in town and is currently in the building business. He runs Bill's Kitchen and Bath. He deals with blueprints daily.

EN asks if he is on any other committees in town.

W. Wozniak responds that he recently ran for Assessors. He ran against AM for Planning Board. There were 4 people running for Planning Board at the time and he came in second.

GG wants to make the applicants aware that there have been two previous Alternate Members who were never used. The stipulation for having an Alternate Member came into being after the boom was



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

finished.

EN notes that since the Planning Board member is an elected job, no experience is required. This is a good way for someone to become familiar with the Board's function with on the job training.

GG believes that this is a tough thing to interview for. The reason for someone to seek the position is because they are trying to become a full member of the Board.

W. Wozniak is still an officer of the Bellingham Business Association and is now the Board of Director. He was the President for two years.

Russell Phillips, 21 Gemmur Lane is the second applicant for the position of Alternate Member to the Planning Board.

EN notes that even if the Alternate Member decides to sit in on the meetings, he can not vote and can not ask questions.

EM states that the Alternate Member can ask questions just like the audience has time to ask questions. The Alternate Member can not vote, but he can ask questions.

EM notes that Mr. Phillips graduated from Bellingham High School. He asks when the Industrial Development Commission meets since Mr. Phillips is a member of that committee.

RL, Chairman of the IDC, responds that it meets the first and third Thursday of the month.

EM asks if that is an appointed position.

R. Phillips responds that it is. It was developed as a single task force to generate a report. All but one member of the committee moved on.

EM asks if there are any questions from members relative to this applicant.

RL knows Mr. Phillips well through his work on the IDC.

R. Phillips indicates that he has an extensive background in



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

survey, and reading blueprints through his work with the United Steel Company. Even though the Alternate Member would be just sitting in, he would have some background knowledge relative to what is being discussed.

EM notes that the Alternate Member does not have to come to every meeting.

James Duncan, 38 Bellwood Circle, an environmental planner, is the third applicant for the position.

EM asks how long Mr. Duncan has been in town and asks if he has registered to vote yet.

J. Duncan responds that he works in Boston and gets home too late. He just found out that Town Hall is open until 9:00 p.m. on Monday evenings.

EM asks how the application was picked up.

J. Duncan explains that he works for a consulting firm in Boston and someone picked up the application for him.

EM asks if he would be available for 7:30 p.m. meetings.

J. Duncan is usually home by 6:30 p.m. but sometimes when they are working on a special project, he will get home later.

RL asks how often that would happen.

J. Duncan responds that it only happens every so often.

EM asks who the company is that Mr. Duncan works for.

J. Duncan responds that it is Daniel, Mann, Johnson and Meidelson. He lived in Westboro for a short period of time. He was appointed to two boards there: the Solid Waste Commission and the Commuter Rail Extension.

EM asks how the Commuter Rail Extension is coming.

J. Duncan states that there is a lot of opposition.

GG asks what he deals with at work.



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

J. Duncan explains that he works mostly on Environmental Impact Statements (EIRs).

GG asks if he is working on the tunnel.

J. Duncan states that they are working on the Amtrak project which is proposing to electrify the tracks. He is working on the land use and socioeconomic sections.

EM asks why he would want to do this part-time for nothing.

J. Duncan wants to keep his public sector skills tuned. He has to be certified and this is part of the community service requirement.

EM asks if the two Westboro positions were appointed.

J. Duncan responds that they were.

EM asks if they were pretty time consuming.

J. Duncan responds that they were. He liked getting involved but did not have much opportunity in Westboro because he moved here.

GG points out that there are a lot of Board's in town who would be happy to have someone with his expertise. It is not that difficult to get involved. Most of the Boards are not that time consuming.

EM instructs Clerk to arrange a joint meeting with the Board of Selectmen to appoint the Alternate Member.

GG makes a motion to send a letter to the Building Inspector relative to New England Bonsai asking him to review the site as built in reference to the approved site plan with regard to building placement, parking and hedge screening. EN seconds motion. Vote of 4 (EM, GG, EN and RL). AM not present.

EN makes a motion to adjourn at 9:55 p.m. RL seconds motion. Vote of 4 to adjourn (EM, GG, EN and RL). AM not present.



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

JULY 22, 1993

Edward T. Moore, Chairman

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Anne M. Morse, Vice Chairman

Emile W. Niedzwiedek

Roland R. LaPrade

Edward T. Moore

Glenn E. Gervior