



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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GLENN E. GERRIOR
ROLAND R. LAPRADE

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

Meeting was called to order at 7:50 p.m. All members except AM were present. Board's consultant, Philip B. Herr, was also present.

MINUTES ACCEPTANCE

RL makes a motion to accept the minutes for the meetings of May 27, 1993, June 24, 1993 and July 22, 1993. GG seconds motion. Vote of 4 (EM, EN, GG and RL). AM absent.

GG makes a motion to accept the minutes of March 25, 1993 and April 22, 1993. RL seconds motion. Vote of 4 to accept minutes (EM, EN, GG and RL). AM absent.

EN makes a motion to accept the minutes of September 9, 1993. GG seconds motion. Vote of 4 (EM, EN, GG and RL). AM absent.

DISCUSSION RE: MCDONALDS LIGHTING

P. Herr composed a letter to John Emidy relative to the lighting at McDonalds at Stallbrook Center. It is inconsistent with the site plan, the Bylaw and is a hazard.

EM asks what they put up for lights.

P. Herr responds that they are bright lights which shine out. Stallbrook lighting is quite good but he noticed the McDonalds lighting when he was coming back from Blackstone. He believes that the Building Inspector will probably give a warning. There is also some growth coming out of the roof. It is a Ronald McDonald balloon which is actually a sign.

EN states that it is temporary.

P. Herr notes that then it is a temporary violation.

GG points out that WalMart is putting in another store, 8 miles from here in Woonsocket. He refers to the accidents at the



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

intersection where they are painting stripes. He asks why they can not paint the arrows in.

P. Herr refers to the letter which he sent to the Board relative to the placement of the dumpster for McDonalds. When they looked at the plan, they noticed the lighting.

CARYVILLE CROSSING

DISCUSSION RE: COMPREHENSIVE PERMIT SUBMITTED TO ZBA

Chip Agule, Esquire, from Shane and Paolillo, represents Bill Ronca, Trustee, Ronca Realty Trust, proponent of the project. They filed an application with the ZBA for a Comprehensive Permit. The date for the hearing is not set yet. Tom Berkholder, Chairman, Affordable Fair Housing Committee, is also here. They are happy to be here to give an outline of what they are doing. This proposal started many months ago. The initial proposal was before the Affordable Fair Housing Committee. They originally proposed 72 single family lots with a minimum 5,000 average lot size to 10,000 square feet. They wanted to leave an open area. The Affordable Fair Housing Committee expressed a desire to expand the minimum lot size to be more consistent with Silver Heights. They did not want to leave the area open. As a result, they reduced the development size to 67 homes with a minimum lot size of 8,000 square feet and an average lot size of 14,000. The entranceway is off Hartford Avenue. This site was approved for 60 condominiums with the same roadway layout and entrance with traffic studies under the Comprehensive Permit. The Housing Opportunities Program became unfunded so they were unable to proceed. Mr. Ronca purchased the property from the former owners and has a desire to put in single family lots. They have a looped roadway with a small finger to grade and expand the lot sizes. 17 homes will be set aside for low to medium income people. 3 of the 17 will be offered to the Housing Authority to purchase if they choose. 1 unit will be dedicated for handicapped accessibility. They expect the roadway to be adopted by the town. They propose sidewalks on one side. The housing choices will consist of a saltbox under 1400 square feet and garrison colonials and straight colonials approximately 1512. The prices will range from \$110,000 to \$125,000 depending on the size. The affordable units will cost \$94,500.

RL asks about the wetland delineation on the map.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

GG notes that Silver Heights was done in two phases with the upper road and lower road. The initial 3 affordable houses were sold at \$75,000. The next 3 cost \$90,000. He asks why they are now selling at \$94,500 with a \$15,000 difference.

P. Herr responds that they can propose whatever they want. However, they have to meet the guidelines set by the state.

C. Agule explains that the local initiative program requires that the developer subsidize units. The state set the price based on the current market conditions which may change.

EN asks if the buyers will be picked out of a lottery.

C. Agule responds in the affirmative, except for the 3 units which the Housing Authority has the option to purchase.

EM asks how many of the units will be affordable.

C. Agule responds that the percentage is 25%, i.e. 17 which includes the 3 for the Housing Authority.

GG lives in Silver Heights now but did not own at the time that they were before the Board for approval. They integrated 3 affordable units on the road which he lives on. There are 17 homes total on the lower road. The 6 affordable units on that road were all put together. There is some animosity on the lower road which may be a result of this cluster of affordables.

P. Herr and T. Berkholder note that these homes will be integrated.

B. Ronca explains that they assigned numbers and at random picked lots for the 17 which will be distributed through the project.

C. Agule notes that the purpose is for the affordable buyers to have the same amount of disposable income. They will have phases of 8 units each of which at least two will be affordable. They have received preliminary approval from the state and they are now going to the ZBA for approval.

P. Herr asks about subdivision approval. Will they go to the ZBA for that?



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

C. Agule responds that yes, they will. With the previous project, the ZBA asked for the Planning Board's input and comments even though they were not required to come before this Board.

T. Berkholder notes that there is no requirement for them to receive approval from the Planning Board. However, everyone would appreciate the Planning Board's comments.

P. Herr notes that the ZBA approval will encompass the definitive plan, but the Planning Board's role will come in with the street acceptance which they have to recommend to the Board of Selectmen. There may be complications with the Board of Appeals signing the definitive plan. The Registry of Deeds personnel become confused.

C. Agule was recently involved in a similar project for which the Registry did accept plans signed by the ZBA.

EN notes that the Executive Office of Environmental Affairs is asking for the Board's input because of the wetlands by September 28, 1993.

RL points out that he and EN attended an onsite meeting under the power lines re: MEPA yesterday. He notes that the power lines are coming across the back of the lots. He would think that they would want a less dense development with the environmental concerns as a result of the power lines. A curb permit will be required. Don Vignealt from MEPA questioned the validity of the traffic study because there is poor visibility.

EM asks if they have a letter from the Safety Officer.

C. Agule responds that they have a letter of approval since they met all the requirements.

EN notes that they were previously turned down by the town over the issue of egress.

C. Agule states that this is the exact location as Spindlewood.

P. Herr explains that the road has a 40' layout for this development with a 22' travelled way and a 5' sidewalk.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

EM asks how the Planning Board can recommend this since they have recently changed the Bylaw to limit the number of lots on a deadend street. This would not work without waivers.

B. Ronca points out that in some ways they have gone beyond what is required in the Rules and Regulations. They will have complete underground utilities.

EM indicates that is something which the Board usually does not want because of problems with the utility companies.

B. Ronca further notes that the cul-de-sac is within the guidelines of the community. They will have 15 lots on the cul-de-sac. The length will be shorter than the present Bylaw states. They will have the looped roadway. There will be a single means of egress which is done within the guidelines.

C. Agule refers to an emergency access.

B. Ronca states that a gateway will maintain the driveway.

P. Herr asks how they get there to the street.

RL believes that it is all wetland.

P. Herr asks if there is an emergency egress.

B. Ronca refers to the road from Twin Brooks.

EM asks what would happen after someone bought that lot.

B. Ronca states that they would have to work out some sort of an easement.

GG states that Mr. Agule said that there was some access going in.

C. Agule and B. Ronca both state that he meant they could have. There is none presently shown on the plan.

RL asks why they would not consider Farm Street.

B. Ronca refers to the easement for the Edison lines.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

P. Herr asks if they have any intention to find and commit to an emergency means of egress.

EM notes that emergency egress and egress are two different things.

GG thinks that this is the same idea as Meadowwood. They will have a paved situation with a breakaway.

P. Herr indicates that no one wants to put traffic onto Farm Street.

C. Agule states that they had 60 units in the previous development. They tried to make this as consistent with the original approval as they could. There are problems with egressing off Farm Street since there are concerns relative to backing up, and the radius which they would have to achieve. It is also a scenic roadway. They understand that the plan is not consistent with the Planning Board Rules and Regulations. They tried to minimize the problems to be consistent with the previous approval. They feel it is a better development with single family homes. They have had numerous meetings with the Affordable Fair Housing Committee which EN and P. Herr have attended and given many useful suggestions which were incorporated along the way.

EM notes that access has always been an issue.

C. Agule explains that they provided for 3 lines of traffic to go right and left out of the development. The roadway will be expanded inside to minimize problems.

GG asks if a traffic study was done for Hartford Avenue since WalMart has come in.

C. Agule notes that the original study took far more into consideration since there was more development proposed at the time. Originally they had 90 condos. Now there are only 67 which is almost half as much.

EM believes that this is contrary to the Rules and Regulations.

P. Herr points out that the key functional things include the narrower right of way, narrower travelled way and single means of



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

egress.

EM refers to the lot shape factor.

P. Herr states that the lots are smaller, setback is smaller and fronts are smaller but those issues are minimal compared to the others. This is serving the housing need.

EM asks how many normal size houses on normal lots would fit in the location.

B. Ronca explains that they are modeling something for the community. They did come into the Planning Board about a year ago to explain what they were doing. The Board told them that the ZBA would ask for comments at the proper time. This was created with the cooperation of the Affordable Fair Housing Committee at numerous meetings. They are looking to solve the problem of homes for families. Condos are not the ideal situation.

EM notes that they could not sell condos now anyway.

B. Ronca states that they do have to look at the marketing to make the project a success with 17 affordable units. There are fine people on the Fair Housing Committee whom they have 5 - 6 meetings with P. Herr in attendance and providing input. This is not exactly the way they would have liked it but they compromised. It will allow them to fill the marketing and community need. The new road will be sewerred and watered.

EM asks what the scale is which they used to have so many affordable housing homes in town.

T. Berkholder responds that it is 10%. This town is substantially down from that.

B. Ronca understands that this does not exactly fit the subdivision situation. If they can do something to make the project better and move along, they will.

T. Berkholder explains that they met with Mr. Ronca on a number of occasions. They also met with other developers. Mr. Ronca has been the same cooperative developer right along and he expects that will continue.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

EN agrees with Mr. Berkholder about the cooperation. However, the problem here is relative to the land itself and the location and egress. They are looking out for the welfare of the town. Having 60 houses pile out onto 1 exit to a heavily travelled area is not good.

T. Berkholder refers to the danger at the exit ramps at Walmart and McDonalds.

GG states that when Silver Heights originally came in, people from the Acres were complaining about the backup which the proposed 34 homes would cause. Since moving there he has never seen the back up. There are only two ways to get out for a lot more homes than this 67 home development would be.

EM asks about affordable proposals for the surrounding towns.

T. Berkholder is on the Metacomet Land Trust. Franklin continues to add 4 - 5 affordable housing units each year. They are using affordable housing units to add to open space.

EN notes that kids from Vocational Tech are building the homes in Franklin.

EM asks if other towns have affordable housing proposals.

P. Herr states that there is a proposal brewing in Blackstone with Abe Rosenfeld as the developer.

B. Ronca states that there is a project in Millis.

P. Herr indicates that there is also one in Westwood. In general there are some but not a lot.

EN notes that Blackstone lost a few grants because of the imbalance in affordable housing.

T. Berkholder notes that they have only had one affordable housing development in 4 years. This is the second.

EM points out that Shores at Silver Lake might come along this way.

B. Ronca believes that they did address the traffic situation.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

P. Herr states that the amount of traffic these 67 homes will bring in compared to McDonalds is minimal. It is unfair to say that this will seriously add to the traffic.

C. Agule notes that even if they put cars through Farm Street and then out to Hartford Avenue, they would still end up on Hartford Avenue.

EM is worried about people being able to get out to Hartford Avenue without getting killed.

GG believes that people will go the shortest route. The traffic will not break up that much. It would be nice to have a second means of egress. Proposing to have 3 lanes at the egress may be a hazard.

P. Herr states that if this starts to be a hazard, DFW will not approve.

GG notes that the state turned down a split entrance for Rawson Farm.

C. Agule explains that this will be 3 lanes, not a divided way. It is a solution to keep cars from backing up.

P. Herr notes that the drawings do not show the 3 lanes.

C. Agule states that there is enough room here to allow for 3 travel lanes.

P. Herr points out that the real concern is relative to traffic safety at the point of egress. A traffic study may not be wholly convincing, but a site distance study may be helpful. The two concerns include visibility relative to the site distance, i.e. can people see to merge into the traffic? and (2) the gap acceptance analysis, i.e. is there sufficient break to get into the flow of traffic. They do not need a full blown traffic analysis. He also notes that EM questioned the second means of egress as solely emergency egress.

EM thinks that the Fire Chief will go crazy with only one means of egress.

B. Ronca dropped the plan off to the Fire Chief and the Safety



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

Officer. He has not heard from the Fire Chief.

P. Herr notes that they are relying on the town accepting the street. Otherwise, a maintenance fee would be in order. It is important that the street is likely to be accepted by the town to reduce the cost of the house. He reiterates that it is a 40' layout with a 22' travelled way.

EM asks if they are proposing to build the road to subdivision standards.

P. Herr points out that subdivision standard requires a 50' layout.

EM asks if they will have a retention pond.

C. Agule responds in the affirmative. It will be on lot 50. He explains that they will have a 5' sidewalk with a 4' grass strip.

B. Ronca explains that they are walking a tightrope trying to stay away from the wetlands. There is one brook crossing well within the limits. It is a delicate process.

EM refers to the frontage for lot 23.

B. Ronca explains that the reason for the road configuration is to stagger homes. They are trying to keep away from the high tension wires.

EM asks when they go to the ZBA.

B. Ronca responds that they do not have a hearing set yet.

EM notes that when the ZBA asks for the Planning Board's input, they will send it along.

C. Agule requests that if there are specific issues which the Board would like addressed, they should send it to his attention.

P. Herr states that the Board would like a better understanding of the safety egress for 126 and the issue relative to the street configuration.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

DISCUSSION WITH DENIS FRAINE, TOWN ADMINISTRATOR
RE: FORMATION OF TASK FORCE TO DISCUSS USE OF PLANNING GRANT
FUNDS

EM postpones discussion of the Chemlime Development Plan for 5 minutes.

D. Fraine distributes a document entitled Scope of Services for Industrial Planning Grant which was received last week. It is a site specific proposal which will look at the industrial property along Hartford Avenue. Both sides of Hartford Avenue are ripe. Over the next week he will be putting together a request for proposal which will mirror this. He will talk with P. Herr who has agreed to assist with the interviewing and reviewing of the proposals coming in. He asks for the Board's support in participating in a task force. It is very important that as many board members as possible participate since the Planning Board will be the most critical reviewers of the plan. Members of the IDC have expressed an interest. He expects this to be a 6 month project which will be done by June 30, 1994. They will start in two weeks and the project will be in full swing by mid December 1993. The bulk of the work will be done in the first 6 months of 1994.

EM asks specifics about the number of meetings to be held, which nights they will be held on and where.

D. Fraine responds that is really up to the task force. They will have a professional consultant. He expects that they will have a couple of meetings a month. The report will be completed by June 30, 1994. The task force may turn the report over to the Planning Board. He will serve in some ex officio capacity but will not chair the task force.

EM indicates that the Planning Board will try to have as many members as possible participating.

RI. notes that he already volunteered to be on the task force.

D. Fraine asks that anyone who wants to be on the task force should notify him within the next two weeks.

EM points out that D. Fraine's leadership is needed on the task force. He is interested in volunteering as long as it does not



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

conflict with the Planning Board.

EN will probably be involved.

DISCUSSION RE: ARROWS AND LIGHTS AT STALLBROOK CENTER

GG asks about the arrows in the road at Stallbrook.

D. Fraine responds that it has gone out to bid. They were supposed to be out to bid in April 1993.

GG asks why there are no arrows for the left turn into Stallbrook Center. Ted Tye had told the Board that they would not be in until the lights went in.

D. Fraine states that the directional arrows should be there. He took a ride by with Sgt. Haughey.

W. Arcand from the audience notes that they were already ordered.

D. Fraine indicates that there will be a straight arrow off the ramp.

EN asks about the lights at Deerfield Lane.

D. Fraine notes that they have been advertised. The estimate was for \$350,000 because of the substantial widening. They had to put off until the next round of funding. The project will be awarded the first of November but probably will not be done until the spring. They still have the detail money but the Chief and Sgt. Haughey felt that it would be dangerous to put an officer there at night because it is so dark.

CHEMLIME N.J., INC.

DEVELOPMENTAL PLAN REVIEW

Mike Yerka, Yerka Engineering, is here to explain the plan.

EM explains that the discussion review was advertised and is like a public hearing.

Mike Yerka explains that this is located at 1AR, Williams Way, for a 40' x 70' concrete slab. It is a mixing plant to mix water and lime. They will have 3 tanks. Tom Fitzpatrick, Treasurer,



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

Chemlime, N.J. and Dan Fitzpatrick, Vice President, Operations, are also present.

D. Fitzpatrick explains that they have a mixing vessel.

M. Yerka refers to P. Herr's comments which were incorporated into the plan with the revision. There was a question relative to the noise level of the site. There was a study done which showed that the 100 h.p. electric motor created little noise. The noise level was 63 decibals 30' from the motor. The Bellingham Bylaw requires no more than 65 decibals in an industrial zone. The plant will work 3 times during the week for 2 to 3 hours mixing time each day. The motor sits on a concrete slab outside of the building. He notes that the 65 decibal noise level refers to the lot line.

P. Herr agrees, it is 65 decibals from the lot line.

M. Yerka states that there was another question relative to the maneuverability of the trailer. They took the parking and moved it to the back. Their trucks are 45' long but he provided for 50' trucks. He refers to the design policy for the American Association of State Highway Officials. He presents a template which shows a 1.2 foot overhang. There is 19.9 feet to the rear of the trailer path. The truck turns to the side of the building and backs in. They will drive straight in, load and back in. The drivers will find the easiest way to do it. He talked with the Water/Sewer Superintendent who said there would be no problem supplying water.

D. Fitzpatrick indicates that they will use 20,000 gallons 2 to 3 times a week in their mixing vessel.

EN asks if the total is 60,000 gallons per week.

D. Fitzpatrick responds in the affirmative.

M. Yerka notes that when he spoke to the Water/Sewer Superintendent he had said they would be using 20,000 gallons of water 5 times a week and he said that was o'kay. There is an 8 x 6 tapping sleeve.

W. Arcand is an abutter to the proposed development. He was worried about a wash down from the top of the hill. At one time



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

he had gravel come down Mr. Hood's property to his property and then to his neighbor.

M. Yerka notes that the parking area is 300' from the corner.

W. Arcand wanted to make sure that it would be screened in. He does not have a problem at all because he now realizes that the development is not directly behind him but to the side. He talked to Mr. Hood who told him that it is nowhere near his property. It will not be black topped. He has no problem as an abutter with this development.

P. Herr explains that the Planning Board has the 3rd version of this plan. The parking area is not paved.

EM states that a waiver is required.

EN asks why there is no leach field.

P. Herr responds that there is no toilet and no sink.

M. Yerka states that the building is basically a shell. Drainage is not an issue. The site has been graded like that for a long time. The only impervious coverage will be at the entrance and the building itself.

P. Herr notes that this is a strange piece of land.

EM asks how big a piece will be left.

M. Yerka indicates that it is all one lot which is heavily wooded. They are not dividing it.

W. Arcand asks what the procedure is as a point of information.

EM explains that since this is an existing lot in an existing subdivision and because it is commercial, a Developmental Plan Review is required.

P. Herr asks if the fee has been paid.

Mr. Hood presents the \$50.00 fee to Clerk.

RL makes a motion to approve the Developmental Plan Review for



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

Chemlime, N.J., Inc., plan dated August 23, 1993 with an August 30, 1993 revision date. EN seconds motion. Vote of 4 (EM, EN, GG and RL). AM absent.

EM assumes that since the Board did not hear from any of the other town agencies there is no problem with this DPR.

DISCUSSION RE: NEW ENGLAND BONSAI BUILDING INSPECTOR ON SITE REVIEW

EM notes that John Emidy came to the last meeting to discuss this matter.

EM reads letter from John Emidy, Building Inspector, dated September 20, 1993, wherein he cites a number of violations from the DPR including (1) Bituminous paving not installed at entrances; (2) No screening on right side of property; (3) Dumpster not located as submitted on the plan; (4) Improper surface material for parking and driveway; (5) Parking spaces not properly designed (6) Size of building not built to plan; (7) Proposed fence not installed adjacent to house; (8) Landscaping shrubs not installed per plan.

EM also reads letter from Wayne Schoech, New England Bonsai, dated September 22, 1993, responding to the Mr. Emidy's letter. He explains that the violations of bituminous paving, improper surface material and parking spaces not designated are currently in progress. A tight budget has forced them to proceed in stages. The delay in screening is due to a property line dispute with their neighbors, the Hynds. The dumpster will be moved ASAP. According to their records, the size of the building is the same as what was presented for review. They will proceed with the fencing and landscaping when all of the excavation is completed and the heavy equipment and subsequent disruption are out of the way.

GG notes that they had the funding to add 5 buildings so they could have done the bituminous curbing.

EM reads letter from John Emidy to the Planning Board, dated September 21, 1993. He notes that he performed an inspection at 914 So. Main St., New England Bonsai, to follow up the concerns of the Planning Board for uncompleted items on the site plan. He has determined that numerous violations exist (as noted on the



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

letter sent to New England Bonsai).

GG asks how they were able to get an occupancy permit without everything being done.

P. Herr suggests that the Building Inspector insist that the screening be put in place within a month unless New England Bonsai submits a letter from the neighbor asking for a delay. If John Emidy receives a letter, then it would be o'kay to wait. It is in his compliance to let them have a reasonable site schedule. They need to separate out the issues.

RL asks how things can get approved without being completed.

P. Herr recalls that the Board allowed New England Bonsai to go ahead at their own risk because they were afraid that their plants would be damaged due to the weather. He reads the section of the Bylaw pertaining to a bond for Developmental Plan Review.

GG notes that John Emidy has given them 30 days to do the job. They should let him do his job.

EN makes a motion to approve the minutes of August 26, 1993. GG seconds. Vote of 4 (EM, EN, GG and RL). AM absent.

Members sign Clerk's pay voucher and invoice to pay P. Herr for Zoning Bylaw books ordered by the Town Clerk.

GG makes a motion to adjourn at 10:10 p.m. EN seconds motion. Vote of 4 (EM, EN, GG and RL). AM absent.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 23, 1993

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