

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

OCTOBER 14, 1993

Meeting was called to order at 7:30 p.m. All members were present.

SHORES AT SILVER LAKE
DISCUSSION RE: PLAN ENDORSEMENT

Clerk received a phone call and correspondence from Janice Hannert at Fafard. Ms. Hannert wanted to come in with the plan for Shores at Silver Lake for the Board's signature. Clerk discussed the matter with Town Counsel who stated that he wanted to view the plan prior to the Board's endorsement. After review of the plan Town Counsel advised that he does not have a problem with the Board signing the plan provided that a covenant is prepared prior to signing and a notation be placed on the plan referring to the covenant to be recorded at the Registry of Deeds. Clerk relayed this to J. Hannert who asked to be placed on the agenda for the next meeting on October 28, 1993 to give them ample opportunity to prepare a covenant.

EM states that Town Counsel wants to see the notation relative to covenants placed on every definitive subdivision plan.

EN thought that was a requirement in the Subdivision Rules and Regulations.

EM explains that a problem exists because the Board has no proof that the Registry has received the covenants. The Board will discuss the matter with P. Herr and ask him to draft up either a Bylaw or Rules and Regulations requiring that a covenant be provided for a definitive subdivision plan.

AM points out that Wilfred Arcand, Highway Director, asks that a change be made in the regulations relative to cape cod berms as opposed to regular berms. The cape cod berms taper off. The Board should discuss this possible revision with P. Herr as well.

EM notes that right now the regulations require granite curbs.

MINUTES OF REGULAR MEETING

RIVERVIEW PARK, PHASES III
DEFINITIVE SUBDIVISION

Clerk notes that the Board received a letter from Janice Hannert, Fafard, relative to the above-referenced approved definitive subdivision. Ms. Hannert asks if an extension is required since the two year anniversary of approval is almost up. She wants to confirm that no extension is required since the 24 month requirement was intentionally left out of the approval because they did not anticipate completing the project within that timeframe. Clerk forwarded a copy of Ms. Hannert's letter to Town Counsel relative to this matter. Town Counsel advised that the Board should have on file a copy of the recorded plan and covenant.

RL states that it is up to Mr. Hill to keep this alive and not Mr. Fafard since Mr. Fafard never owned the land.

B. Lord from the audience notes that the covenant for this phase is endorsed by Dick Hill. Phase V is Mr. Hill's land. Phase II is Mr. Fafard's land. He notes that if the covenant is recorded, that is all that is needed. The Board should require proof that it is recorded.

EM states that no building permit should be issued until the Board has proof that the covenant has been recorded.

B. Lord states that they should put in the regulations that after six months, a plan is invalid if it is not recorded. Once the Board approves a subdivision, the assessors are able to assess the lots individually. He refers to the Thayers who received approval from the Planning Board for a definitive subdivision. However, they never recorded the plan. The property should be assessed on the basis of buildable lots but that can not be done if the plan was never recorded. It is the Planning Board's job to ensure that the town's revenue is there.

EM refers to Locust Street which he states will never be a subdivision. He feels it would be unfair to charge taxes on a per lot basis.

B. Lord notes that it can be charged for frontage lots which are presently on the road. It is up to the Planning Board to protect the town's interest.

EM instructs Clerk to forward a letter to Ms. Hannert requesting copies of all recorded covenants and plans for all approved phases of Riverview Park Definitive Subdivisions.

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NEW ENGLAND BONSAI

DISCUSSION RE: DEVELOPMENTAL PLAN REVIEW

AM explains that John Emidy, Building Inspector, told her to tell the Board that he issued an order to comply to New England Bonsai and gave them 30 days in which to complete the work. They have not complied, therefore, he feels that the matter will end up in court. The spokesperson for New England Bonsai said that they do not have the funds to finish the work at this time.

EM notes that the Board forwarded a letter to John Emidy because New England Bonsai did not complete the screening which was required as part of the site plan approval process. However, when the Building Inspector inspected the site, he found many other violations.

RAWSON FARM

B. Lord presents a revised Certificate of Release for the Board's signature. He left out a book and page number which had to be included. He used a document number which was not acceptable to the closing attorney. This one is exactly the same as the original one which the Board signed except that the book and page number is included on this one.

RL makes a motion to sign the revised Certificate of Release for Rawson Farm. GG seconds motion. Vote of 4 to sign (EM, EN, GG and RL). AM abstains because she did not act on the definitive subdivision.

MINUTES ACCEPTANCE

EN makes a motion to accept the minutes of November 19, 1992. GG seconds motion. Vote of 4 (EM, EN, GG and AM). RL abstains because he was not a member of the Board at that time.

EN makes a motion to accept the minutes of September 10, 1992. GG seconds motion. Vote of 3 (EM, EN and GG). AM abstains because she was absent from that meeting. RL abstains also.

EN makes a motion to accept the minutes of September 24, 1992. AM seconds. Vote of 4 (EM, EN, GG and AM). RL abstains.

EN makes a motion to accept the minutes of October 18, 1992. GG seconds. Vote of 3. (EN, GG and AM). EM abstains because he was absent. RL abstains.

EN makes a motion to accept the minutes of December 17, 1992. GG seconds. Vote of 4 (EM, EN, GG and AM). RL abstains.

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EN makes a motion to accept the minutes of January 14, 1993. GG seconds. Vote of 3 (EM, EN and GG). AM abstains because she was absent. RL abstains.

EN makes a motion to accept the minutes of February 25, 1993. GG seconds. Vote of 3 (EM, EN and GG). AM abstains because she was absent. RL abstains.

Board members sign invoice for P. Herr & Associates quarterly consulting services as well as Clerk's reimbursement for supplies ordered and October pay voucher.

AM makes a motion to adjourn at 8:45 p.m. RL seconds motion. Unanimous vote of 5 to adjourn (EM, EN, GG, AM, and RL).



Edward T. Moore, Chairman



Anne M. Morse, Vice Chairman



Emile W. Niedzwiadek



Glenn E. Gerrior



Roland R. LaPrade