

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

OCTOBER 28, 1993

Meeting was called to order at 7:38 p.m. All members were present. Alternate Member William Wozniak as well as the Board's consultant, Philip B. Herr, were also in attendance.

SUBMISSION

Brad Wright submits an 81-P, Form A, for property which he is purchasing on Box Pond Road.

AM asks what the zoning is.

B. Wright responds that it is 80,000 agricultural.

EM asks if Box Pond Road is near Depot Street.

B. Wright responds that it is right off it near the high tension lines. He is purchasing the whole parcel.

EN asks about the right of way.

B. Wright responds that the utility easement runs through the property. It is all paved to the fence.

AM does not think that he can do this because they would be creating an undersized lot. It is one parcel which is being divided into a legal lot and a nonbuildable lot. It will not be taxed any more than it is right now. It looks like the lot is bigger than the existing lots around it.

EM asks if he intends to use it for a duplex lot.

B. Wright responds that he does not since it would require double size.

P. Herr states that since the frontage is there and it is not a subdivision, the Board can sign the 81-P. He assumes that Box Pond Road is a town way.

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EM asks if that is the one which is owned by Varney.

B. Wright states that this is beyond that.

P. Herr asks about the status of the road.

B. Wright called the DPW who said that it is a private road and not a public road.

GG joins the discussion at 7:43 p.m.

EN notes that this is a large lot. If they vote to approve the S1-P, the applicant can go to the ZBA to get a variance for the nonbuildable lot.

P. Herr indicates that is true.

EN believes that loophole should be closed.

P. Herr asks if a portion of the road is paved.

RL indicates that it was never accepted by the town.

P. Herr states that is a different issue. The real issue is the frontage.

AM makes a motion to sign the S1-P for Brad Wright. RL seconds motion. Unanimous vote of 5 (EM, EN, GG, AM and RL).

ROLAND MUELLER

DISCUSSION RE: PROPERTY EASEMENT WITH COGENERATION
PROPERTY LOCATED AT MENDON ROAD

Roland Mueller owns property off Mendon Avenue at Rowe's Avenue and Brook Street. He came to the Planning Board at an earlier meeting to ask about chopping off a piece of his property in the back. Harry Martin, from Cogeneration Plant, has agreed to give him a right of way to Rowe's Avenue. He asks if he can build a house back there if he gets the right of way.

EM responds that he can not because he does not have frontage. He would have to have frontage on a legal road. A right of way only gives him the right to get in and out, but it does not give him frontage. He talked with Harry Martin who said that he has a lot which he may be able to swap with Mr. Mueller. Mr. Martin also thought that the right of way would give Mr. Mueller frontage but it does not.

R. Mueller explains that his lot abutts the Cogeneration Plant which is 60' in, so they agreed to give him a right of way in.

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EM indicates that will allow him to get in there but it would not allow him to build a house there. He needs frontage on a road.

GG states that he may be able to do a backlot 50' if he rechanged the property lines.

EM notes that he would have to move the garage in order to do that.

AM states that he could get a variance from the frontage for a backlot for 3'.

EM indicates that Mr. Mueller would still have to move the garage.

GG notes that he has 43' without moving the house.

P. Herr states that he could propose a property line and go to the ZBA to seek variances. Some people will raise real questions as to whether it is a safe condition to have a house which would be hidden back there. The ZBA has the authority to grant the variances.

R. Mueller notes that at the bottom he is 50' from Mike. He asks if he could come in that way.

P. Herr responds that he has to make sure he has enough building lot area. It is undersized to begin with. Mr. Mueller does have the right to petition to draw the line. It is unlikely the ZBA would grant but he does not know for sure.

AM explains that Mr. Mueller would have to pay for the expenses of the hearing and notifying the abutters as well as hiring an engineer to draw up the plans.

EM thinks that he should find out if the lot is big enough to have 50' taken away.

R. Mueller asks how many he has to have left.

GG explains that is is 20,000.

EM asks about the lots in the back.

R. Mueller notes that he can not do anything there because there are already houses built.

p. Herr asks what the topography of the property is like.

R. Mueller responds that he has mowed it for the past 30 years.

It is a big open field.

AM states that he could talk informally with the ZBA to find out how they feel about this.

RAWSON FARM

DISCUSSION RE: HOUSES SHARING A DRIVEWAY

EM explains that the Fire Chief went to Rawson Farm to do an inspection at 16 Sagamore Road. When he went down Sagamore Road he could not find the house. There was no number 16 but through the trees he saw the back of a house. It is on a long dirt road with a driveway. Two houses are using a shared driveway. It is not a street but it turns out there are 3 houses sharing one driveway. The driveway is assessed off Rawson Road and one of the houses has a Rawson Road address. He asks (1) if this follows the plan as approved; (2) can they access the lot from itself and (3) is a shared driveway allowed. The town does not have a Bylaw which prohibits lot frontage on a road. He went back to the Fire Chief and explained that although this is not a good idea, it is allowed. The Fire Chief would like to get the developer to put up a sign at the bottom of the road saying that there are 3 houses up there.

P. Herr reviews the plan and indicates that the developer really did declare on the plan what they were intending to do and do not show a driveway. However, they do show the lot locations.

AM believes that the Fire Chief should ask the developer to do the sign as a courtesy.

B. Wozniak, Associate Member, went to the Water Dept. when he was building a house but the water main was not on the street so he had to run a line in. Bruce Lord got the Water Dept. to approve for this subdivision to come up a common drive.

P. Herr responds to the questions posed by EM stating that yes, they are complying with the plan, no, they do not need access to the houses across their own frontage and yes, they do need to be able to get access across their own frontage. The town does not have anything about shared driveways in the law.

EM asks how they can keep the next subdivision from coming in with 6 houses on a shared driveway.

P. Herr explains that a lot of towns control shared driveways. The best way to do that is in the parking regulations. Unless the driveway meets certain standards it can not be allowed.

EM thinks that it should be controlled by the Bylaw. Anything

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more than 2 built houses in a subdivision with a shared driveway should be built to street standards. They need some deterrent to make it cost prohibitive.

P. Herr states that they could state in the Bylaw that a shared driveway which serves parking for two lots may be allowed but if a third lot is involved, they would have to apply for a special permit. It would have to satisfy certain requirements prior to approval.

EM notes that Beaver Brook Gardens has shared driveways. They could not do that again at that location because of the current lot shape factor.

P. Herr refers to the Cobb Developmental Plan Review off Maple Street near the Franklin line. He asks if anyone is concerned about the paving at the end.

GG refers to John Vanderwall who owned 300' off the street.

P. Herr asks if that served a single property.

GG refers to an old property which he owned which is now used for Dalpe's business and house.

EM explains that this is a dirt driveway with 3 houses on it which goes up a hill. There is nothing to require it to be paved.

P. Herr thinks that they should deal with a whole set of issues. A growing number of places use shared driveways a lot. There is a subdivision in Lincoln, MA which has very expensive lots with shared driveways. They are not wide but they are required to be paved.

GG refers to a subdivision in Milton which has single width shared driveways.

P. Herr does not know if the town should get into the business of telling people what to do.

RL thinks that something should be done. They should make them pave it.

AM suggests that the Board send the developer a letter asking him to put up a sign. She is sure that he will comply.

GG thinks that they could require asphalt right up to the property line with double line driveways at every house.

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P. Herr suggests that they look at what Fafard did in Ashland. His developments rely heavily on shared driveways. The problem occurs when people park in the driveway and also the question of who will maintain the driveway. He lives on a side hill with a street which has a 13% grade. A shared driveway parallels the street. It is not paved, is narrow and serves 4 houses.

EN refers to a driveway at Hillside Nursery going up Prospect Street on the left, which serves 2 - 3 houses. The nice thing about shared driveways is that there is less traffic on the road. However, the problem is that the town may end up taking care of 3 houses on a driveway.

P. Herr could write a simple short piece stating that shared driveways on more than 2 lots or with 5 parking spaces requires a special permit which would only be granted to provide adequate access.

EM asks what the Board's pleasure is relative to the suggestion for this Bylaw addition.

RL thinks that P. Herr should draft something up for the Board's review.

EN does not want to open a can of worms.

RL thinks that it is already open.

EM instructs P. Herr to draft something up which is not too complicated but does not make shared driveways too attractive.

AM thinks that the Fire Chief should write a letter to the property owners indicating that it would be to their benefit to put a number on the street.

GG states that the Board should write the letter directly to the developer stating that they would appreciate it if the developer would comply with putting a sign up for the safety of the residents. This was brought to the Board's attention through the Fire Chief's safety inspection. The address are 12 (lot 5) and 16 (lot 16) Sagamore Road but they can only be accessed from Rawson Road.

MINUTES ACCEPTANCE

EN makes a motion to accept the minutes of the September 23, 1993 meeting. He notes that AM was absent. EM seconds motion. Vote of 4 (EM, EN, RL and GG).

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EN makes a motion to accept the minutes of the October 14, 1993 meeting. GG seconds. Unanimous vote of 5 (EM, EN, GG, RL and AM).

GG makes a motion to hold one Planning Board meeting in November 1993 and one in December 1993 due to the meeting dates falling on holidays. He moves to hold the meetings on November 18, 1993 and December 16, 1993. AM seconds motion. Unanimous vote of 5 (EM, EN, GG, RL and AM).

LOT RELEASE REQUEST
13 SHEILA DRIVE
WETHERSFIELD II

Clerk presents the above-referenced lot release which was faxed by Attorney Donald MacManus, Law Offices of Craig J. Martin, P.C., 109 Dean Street, Taunton, MA.

RL makes a motion to approve the lot release. AM seconds motion. Unanimous vote of 5 (EM, EN, GG, AM and RL).

EM notarizes the lot release and notes that the Registry of Deeds may not accept the release since it is on fax paper.

CORRESPONDENCE

Clerk read's memo from John Tuttle, dated October 25, 1993, relative to an All Board's Meeting scheduled for November 17, 1993 at 7:30 p.m. in the Town Hall Complex.

EM asks Clerk to put reminder of meeting on November 18, 1993 agenda.

Clerk reads letter from Janice Hannert, Fafard, dated October 20, 1993, requesting a one year extension for Shoppes at City Lights Special Permit since they have been unable to obtain a tenant for this property and therefore have been unable to proceed with the Special Permit.

RL explains that the grant study which they are currently doing encompasses that whole area.

GG believes that it is in the better interest of the town to grant the extension.

RL thinks that right now they should proceed with a spirit of cooperation.

P. Herr notes that a special permit has to be completed within 12 months except for good cause.

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EM thinks that the study is good cause.

EM refers to developers being required to provide proof that the plans and decisions have been recorded.

P. Herr states that there have been cases where people sat on the plans. The Regulations call for the recording to be on the plan. With no proof, they can not be sure that it has been recorded. He will check the Regulations.

AM makes a motion to approve the request for a one year extension for Shoppes at City Lights with good cause being the current Strategic Planning Grant Study which is being done to study the economic development of the entire 495 area. RL seconds motion. Unanimous vote of 5 (EM, EN, GG, RL, and AM).

MORE MINUTES ACCEPTANCE

EN makes a motion to accept the minutes of February 11, 1993. GG seconds. AM abstains because John Donovan, Donovan Court worked for AM's company. Vote of 3 (EM, EN and GG). RL was not a member of the Board at the time and therefore, can not sign the minutes.

EN makes a motion to accept the minutes of March 11, 1993. GG and AM were absent from the meeting and JM is no longer a member. EM seconds motion. Vote of 2 (EM and EN).

P. Herr asks if anyone attended the Metacomet Open Space Plan Meeting.

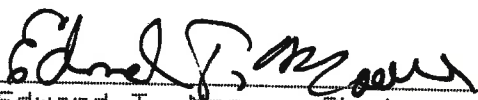
RL attended. He notes that they were asking for input from representatives of Parks, Planning Board and Conservation Commission. There was a lot of good input and ideas.


Neither P. Herr nor the Board have received a response from Building Inspector John Emidy relative to the lighting at McDonald's.

EN makes a motion to adjourn at 9:05 p.m. GG seconds motion. Unanimous vote of 5 to adjourn. (EM, EN, GG, AM and RL).

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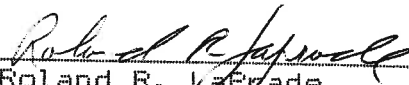
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Edward T. Moore, Chairman


Anne M. Morse, Vice Chairman


Emile W. Niedzwiedz


Glenn E. Gerrior


Roland R. LaPrade