

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

NOVEMBER 18, 1993

Meeting was called to order at 7:40 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

John Andrews, Andrews Engineering, presents an 81-P, Form A for David King at Old Log Lane. They are creating a 7.57 acre parcel.

AM asks what it is now.

EM does not believe that Old Log Lane is a road.

J. Andrews explains that they are breaking off with frontage on Old Log Lane. There is a 15.24 shape factor.

P. Herr questions whether or not Old Log Lane is a real road.

EM responds that it is a travelled way.

P. Herr asks if the town ever accepted Old Log Lane.

J. Andrews was unable to find out.

EM states that there are two lots already there with houses on them.

P. Herr asks if the road is paved.

J. Andrews responds that it is. They want to retain the parcel for access. William Spear owned everything. It was cut off at the town line and the parcel was sold.

P. Herr states that they would be cutting off the tail of the lot.

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J. Andrews responds that will be sold to the owner's son.

EM does not believe Old Log Lane is a street.

P. Herr states that if it is not a street, then it is a subdivision.

EM asks how this is different from Brook Street.

P. Herr points out that now the property line goes across town lines.

J. Andrews notes that Medway signed off on the plan.

P. Herr indicates that they divided land in Medway from land in Bellingham. He asks if there are dwellings on the two abutting lots.

J. Andrews responds in the affirmative.

P. Herr states that the real question is how to get from Old Log Lane to the building site on the lot which is being created.

J. Andrews responds that it is paved to a point, but there are trees after that.

EM asks what happens if the owner comes back with two or three more 81-Ps.

P. Herr notes that there is no more way for them to do that. He checks the accepted street lists and Old Log Lane is not on it. He states that the owner is asking the Board to legitimize a lot which they already got snuckered on. They want to chop the tail off. He asks why the engineer doesn't ask the Medway Planning Board to sign off.

J. Andrews states it is because it is in Bellingham.

P. Herr explains that it is a lot which is partly in Bellingham and Medway. They could use a drawing showing only the parcel in Medway like they already did and get them to sign off. He does not know if it is a bad idea to build one more house there. He is not familiar enough with the area. The road did pre-exist Subdivision Control Law. The question is whether or not emergency personnel such as police and fire can get in there.

AM notes that it is not paved all the way.

GG does not think that D. Ranieri will go for it.

RL asks if the town plows Old Log Lane.

EM responds affirmatively.

P. Herr states that they want to put one house on one lot because there is not enough frontage.

GG asks if there was a plan years ago showing how far Old Log Lane really extended.

J. Andrews responds that yes, it was connected to the next lot.

EM does not have a problem with one house. However, someone buying the property might try to divide the lots.

P. Herr responds that they would not get approval from the Planning Board. The conservative thing to do would be to check with the Highway, Fire and Police Departments to see if they would be able to get into Old Log Lane for emergency services.

GG states that they could put something on the plan showing that the road is to be continued to the end before any construction. They should check with the Highway, Fire and Police, particularly the Fire Chief to find out if there is adequate access for emergency vehicles if Lot #1 is developed for one house lot. Clerk to prepare letters.

MEADOWWOOD CONDOMINIUMS
DISCUSSION RE: LAPSED SPECIAL PERMIT

AM abstains from the discussion because she is an abutter.

Malcolm Post, prospective buyer of the property, is here to discuss reactivation of the special permit for Meadowwood. He notes that the purchasing entity which is not yet formed would be Post Properties.

EM reviews the last extension which was granted in April 1991.

M. Post notes that the special permit was not renewed by the present owner. He asks what would be required to get it going again. Because of the economy, the present owner decided not to go forward, however, he would like to get the special permit renewed.

EM explains that there is no way of doing that once it has expired. They would have to start from square one going through the process again.

P. Herr points out that he would have to resubmit for special

permit approval subject to current law and therefore, would have to go before a Town Meeting for approval.

EM states that there are no mechanics for reactivating a special permit after it has expired.

M. Post asks if a special permit for condos multifamily of 50+ requires a vote of the Town Meeting and not just the Planning Board. He plans to do exactly what was done before with no changes.

EM asks who he will sell the condos to. Mr. Post would have to reapply for a public hearing, then seek a recommendation from the Town Meeting and then return to the Planning Board for final approval. There were questions about the water table at the location of this property especially with the problems which occurred across the street at Crestview Commons.

B. Lord from the audience notes that this parcel went to Land Court for foreclosure. It will happen within 30 days.

M. Post would be interested to find out what the actual amount owed is. He has been unable to find out any information thus far. His address is P.O. Box 194, Boston, MA 02137.

RAWSON FARM

REQUEST FOR REDUCTION IN PERFORMANCE BOND

B. Lord presents Form J and Form I signed by the Highway Department. They had problems trying to get the Water Dept. to sign off.

EM asks about the situation with the shared driveway.

B. Lord explains that they are putting up the signs as requested and if the Board wants they can renumber the street. The shared driveway for 3 lots with an easement is shown on the deeds. It is not a road. It is stated as such in the easements. There is also Water Dept. verbiage in there stating that they will not be serviced by the town. The frontage area is on Sagamore Road but the frontage is all ledge. They are more than willing to put up a sign.

EM notes that the former Building Inspector, Moe Gregoire is the street numberer. He was somewhat confused as to how to number those homes.

B. Lord suggests that the street numberer use a rear number. The address will always be on Sagamore Road, but they could use Rawson Road for the mailing address. It does not have to be the

same as the street address which is on the deed. They will all end up with asphalt driveways which will be paved by the developer. In the deed, it is stated that the owners have to plow and maintain the driveway. The deed is recorded at the Registry of Deeds.

EM asks what the original amount of the bond is.

B. Lord responds that there is \$100,000 remaining. He states that the finish coat is done.

EN asks about the street lights. He thought that the town was providing the street lights.

GG notes that there are no street lights in his subdivision. They still have to put the fence around the retention and detention area.

B. Lord states that there is \$19,000 worth of work remaining and \$10,000 worth of contingencies.

GG states that the remaining items include street monuments, lot bounds. Some of the numbers were incorrect. \$1,480 has to be added to the contingency and construction.

GG makes a motion to reduce the bond to \$32,000. RL seconds motion. Unanimous vote of 5 (EM, EN, RL, AM, GG).

B. Lord to get sign off from the Water Department prior to notifying Town Treasurer of the reduction in bond.

SUBMISSION

B. Lord submits an 81-P, Form A for David and Irene Darling on S. Main Street. It is a large lot of 8 acres. The old property goes back to the 1800's in the deeds. They had the lot surveyed and want to give a lot to each of 3 daughters. The lot line turned out to be in a different place than they originally thought. One daughter will get a house, another daughter will get a house and the third daughter will get a lot. They were granted a variance for the frontages on S. Main Street. It could be divided into a subdivision of 6 lots. There is 137 of frontage.

P. Herr states that the town requires more than 13 feet of frontage. Case law now says that if the only way this complies is through a variance, then it cannot be. This is actually a subdivision. It is accurately labeled as such on the plan. The Board cannot endorse it without a public hearing.

B. Lord disagrees. He does not believe it is a subdivision.

P. Herr states that the variance allows the building but does not allow a division of land to take place. He suggests that the plan be forwarded to Town Counsel.

GG makes a motion to send the plan to Town Counsel and ask him whether or not it is considered a subdivision of land.

P. Herr would like to speak with Town Counsel if he does not believe it is a subdivision of land.

RL seconds motion. Unanimous vote of 5 (EM, AM, GG, RL and EN).

Clerk to check with P. Herr about the actual decision which states that a variance can not make a plan comply without enough frontage.

P. Herr states that this new development calls for a strict reading of the division of authorities between the Planning Board and the ZBA.

B. Lord asks if a subdivision would require them to do a subdivision plan which would meet all the requirements. He disagrees about the case law in this situation. He asks if they have to do a regular submittal procedure in this instance.

P. Herr responds that they still have to have a public hearing and notify the abutters. Other towns waive profiles.

PINE GROVE ESTATES II PRELIMINARY SUBDIVISION SUBMITTAL

Dennis Etzkorn states that they are submitting their preliminary subdivision tonight. He talked with D. Fraine about the cross town issue.

D. Fraine states that he has been going back and forth with Franklin regarding a cross town agreement. Wolfgang was supposed to present it to the Town Counsel last night. The Water/Sewer Commission approved to the agreement. The Water Superintendent was happy with it. Lee Ambler put the agreement together. It deals with Water/sewer issues. Neither town wants to commit water to the other. This development will have to have private wells.

EN asks if they discussed safety and bus issues.

D. Fraine states that there is not a real concern about the bus routes. As far as fire protection goes, they should wait and get the Chief's comments. The issues are buses, police, fire and mail service. They will get a letter from Franklin saying that it

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is o'kay.

EM has a question about the bubble. He asks if they intend to extend the road with a cul-de-sac and fill it in.

D. Etzkorn states that it will be filled in.

EM states that the Board needs to hear from the School Dept. about the school buses going down there.

D. Fraine will get correspondence from them.

D. Etzkorn notes that they would put a path in for the kids to walk through the woods to Pilgrim Village to pick the bus up there. That would be Beech Street in the Town of Bellingham.

D. Fraine states that the agreement talks about fire protection and fire hydrants. Franklin will extend the mains for the purpose of fire protection, but not drinking water.

GG would shoot down the idea of having the kids walk through the woods. He would not let his kids walk through the woods.

P. Herr receives a copy of the preliminary plan which was just submitted and asks if it is substantially the same.

D. Etzkorn responds that it is.

B. Wozniak states that since the water mains will be there, the residents would have the right to tie in if their wells ran dry.

D. Etzkorn will pay the fee for the preliminary at the next meeting. The preliminary subdivision discussion is scheduled for December 16, 1993 at 8:00 p.m.

DISCUSSION WITH DENIS FRAINE, TOWN ADMINISTRATOR
RE: MASTER PLAN

D. Fraine gave P. Herr copies of the proposals which just came in. They include 9 proposals for the Hartford Avenue project. The town received \$24,000 in grant funds to conduct a planning study of 400 acres which are owned by Varney, Fafard, Hill and Kirsten. The town went out for a Request for Proposals and received these responses. He has asked P. Herr to work on the evaluation with him. They have formed a committee to study this of which 3 out of 5 Planning Board members will take part. He talked with P. Herr about consulting with the committee. He is discussing the arrangements with him now. This is an important project. \$25,000 is a lot of money. They want to come up with something useful and practical. The first meeting will be held

in a couple of weeks. The committee will organize. The consultant should be selected by January and the project must be completed by June 30, 1993 as per EOCD requirements.

EM asks what they expect to do with the \$25,000. He asks if they will get a consultant to study the land and what will go on it.

D. Fraine states that all the proposals have to do with land use and zoning as well as infrastructure. They will look at the best means of developing and the type of industry to attract.

EM asks where the money will be coming from.

D. Fraine explains that the \$25,000 sits with the EOCD. There are 6 tasks involved. After each task, the town will send an invoice to the EOCD which in turn sends the portion of the money back to the town. It is a task based payment. The committee will have a lot of control to make recommendations to the inter-developmental agreements.

EN notes that the town is growing. He asks how the businesses which may settle here would help the community pay for things.

B. Lord points out that Shoppes set up a formula for contributions. They could do something like that.

P. Herr explains a tax increment financing, which is a new law in Massachusetts. The improvements are paid for out of the income taxes which are out of the area they are being used for.

EN states that they may not offer all companies the same thing. It depends on their size and other factors. They could set up different things as they go along.

P. Herr indicates that they are not supposed to do that. He notes that maybe 4 of the proposals are dismissable, but a couple of the others are from first rate organizations.

B. Lord states that if the developer feels he can recover some cost, he would have a greater willingness to contribute money at the beginning of the process. They have a better shot getting more at the beginning than at the end.

EN refers to companies which get tax free status to bring them in and then leave.

D. Fraine states that the committee will look at the whole situation and put together a model to share with other communities.

EN remembers when Wethersfield was built. They wanted to build a school and a playground but the town did not accept it. They built a pool which is still there and has houses built around it.

P. Herr states that included in the proposals are two local firms, one joint proposal from Barbara Decelle from Suburban Market Concepts and Land Planning, Inc.

GG thinks that someone from outside the area may be able to look at it with a closer more objective eye.

B. Lord states that right now Ms. DeCelle is marketing houses for Pleasant Valley. She has a familiarity with the area.

EM asks how she ties in with Land Planning.

B. Lord responds that they asked her to get involved.

P. Herr reads the references included in the proposal. He notes that this is the only local proposal. All the others would need a map to get here.

GG asks where the others are.

P. Herr responds they include Saratoga Associates, Saratoga, N.Y. with an office in Springfield. The other companies are from Lexington, Cambridge, Middleboro, Westboro. Cullen & RKG are in Auburn.

D. Fraine asks if that one local firm is one which P. Herr dismissed.

P. Herr explains that the quality is not the same but they are the only local firm.

RL read a couple of the proposals and was impressed.

P. Herr notes that one proposal does not have the name of the person who did it.

D. Fraine states that 3 members of this Board are on the committee. He will ask AM and GG to come in when they are doing the screening. He would like to hear more of the Planning Board's thoughts. He does not think that they have the resources or abilities at this time to grapple with a town wide Master plan. This will consume a good deal of their time right now. He does not know what will be next after this. He would like to see this evolve into something which could jump into another issue, but he does not have a specific issue right now. Don DiMartino is looking at the Water/Sewer infrastructure.

EN asks about fee schedules. A lot of boards raise their own fees. The Selectmen raise fees for a number of things. Everything goes higher all the time.

D. Fraine notes that the Selectmen have the responsibility of Water/Sewer rate structure come the spring. There was a committee which looked at fees 3 years ago. Franklin is coming up with a fee structure.

P. Herr states that there is a centralized authority for it. The original design served the promotion of residential development and did not help industrial development at all. He can not remember any occasion where there was a major effort to engage the population of the town at large about where they will get resources.

RL was looking to complete a master plan because it is required in the Charter. He ran on that platform. He believes that this grant for an economic study is preliminary to a master plan. He thinks that the Planning Board should be the coordinator of all of this. They need to look at what they can do to make sure that the town is planned and developed properly. It may be small incremental projects.

EM asks how they can do a master plan since the town is already built. Will they only deal with the vacant land?

B. Lord states that it will plan the infrastructure for parks and recreation as well. There is a real need to extend sewerage. They are always dealing with today. They need to look at how they can deal with tomorrow.

D. Fraine states that the Water Superintendent is looking at the water flow for South Bellingham. There will be a major project planned out for improvement.

GG thought that Water/Sewer was not a Planning Board issue.

B. Lord believes that it is. They need to incorporate their ideas and what they are doing to make changes.

EM thinks that they should rezone the Country Club to agricultural before it is too late.

P. Herr states that is a part of the notion of the master plan. It is some well thought out broadly supported sense of what the town will follow to be better off. It includes whatever policies are clearly documented. He asks if any members of the Board met with the Metacomet Land Trust which is doing an open space plan.

RL responds that he is the only one who attended.

P. Herr states that he is scared of the traffic circulation in this town. The zoning pattern is sustainable to reconcile the issue to invite industrial. He refers to Fulaski Blvd. The pattern of development is dictated by the zoning. He is not sure that is a good policy.

GG asks why there is a problem with Fulaski Blvd.

P. Herr states that it is unattractive and is an environmental horror. It is inefficient use of the land and does not work for the business people.

GG notes that it is not a high accident street.

P. Herr was referring to development.

EN states that 25 years ago, the town had a bus ride to show the residents where the schools were going to be, and the town dump. He does not think that anything came out of it.

B. Lord believes that the real problem in town is that one end does not deal with the other.

RL refers to T. Clark and the fact that other people see what he is doing.

D. Fraine states that the insurance company says that the town is tormenting Mr. Clark.

EM refers to Mechanic Street where Mr. Clark does not have an occupancy permit. He asks about enforcement.

P. Herr refers to a visit to Idaho as part of a team to study the enforcement of flood plain regulations. They found that there is a concurrent in communities that they do not want to enforce codes. He states that they could start here. This is the body to lead the effort to put together a planning effort. It is good to plan a statement of intentions. The Planning Board can not speak to the intentions of the Water/Sewer, School Dept., etc. Maybe it could be interagency, but the Planning Board has to be part of it. Another kind of plan is a growth management plan which looks at the patterns of land use and growth. It is for shaping land use and guiding growth. He is just talking about how to manage the land resources.

EN does not know if he likes the idea of a bunch of fast food restaurants coming into town.

D. Fraine states that this subgroup of the Planning Board may be the very committee to do that. They will be spending 6 months on this which may lead to something else. The zoning issue needs to be looked at.

RL thinks that this is an educational process.

P. Herr refers to a long range planning Committee which was formed in Medfield a couple of years ago. They put together map materials on where the town is developed now and they worked with other town groups to promote a two day workshop with the various town boards in a joint meeting and presented what the most important issues were. A lot of ideas came out of this and some of them were implemented. Maybe this town could do something like that. It does not cost a lot of money. It is not intended for the general public, just for town officials. They may think about doing that after this.

B. Lord gets calls from people asking what they can do with particular parcels of land. All he can do is look at the zoning and tell them what they can do according to that. There should be some sort of a guide. A lot of the prospective developers want guidance on what the town wants.

GG would support condos before single family housing.

AM states that the roads do not have to be maintained in condos.

P. Herr asked what happened to Almacs.

EM responds that it is gone.

P. Herr thinks that it makes sense to use this project as a stepping stone. They may be able to do some interagency brainstorming one year from now.

MINUTES ACCEPTANCE

SIGN SHOPPES AT CITY LIGHTS SPECIAL PERMIT EXTENSION

GENERAL CORRESPONDENCE

EN makes a motion to accept the minutes of October 28, 1993. GG seconds. Unanimous vote of 5 (EM, EN, GG, AM and RL).

P. Herr notes that he spoke with the Building Inspector relative to the lighting violations at McDonalds. He is in the process of looking into the matter.

Member endorse Shoppes at City Lights Special Permit Extension for one year. Changes recommended by Town Counsel were incorporated in the extension.

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RL thinks that the town should look at putting the Building Inspector on full-time.

GG refers to the Ozella farmstand. The state determined that in order to keep his agricultural status for taxes, he has to have farm animals and grow a certain number of crops.

EN makes a motion to accept the minutes of April 8, 1993. EM seconds. Vote of 2 (EM and EN). GG and AM were absent. JM is not longer a member of the Board.

EN makes a motion to accept the minutes of January 28, 1993. GG seconds motion. Vote of 3 (EM, EN and GG). AM was absent.

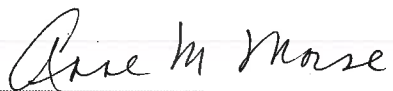
GG makes a motion to accept the minutes of May 13, 1993. AM seconds motion. Vote of 4 (EM, GG, EN and AM).

Clerk reads letter from New England Power relative to a database which they are compiling for industrial land development in various communities.

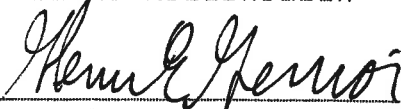
RL states that the IDC and D. Fraine are putting together information to be included in the land database.

AM makes a motion to adjourn at 10:20 p.m. EN seconds motion. Unanimous vote of 5 (EM, EN, GG, RL and AM).


Edward T. Moore, Chairman


Anne M. Morse, Vice Chairman


Emile W. Niedzwiedek


Glenn E. Gerrior


Roland R. LaPrade