

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

JANUARY 13, 1994

Meeting was called to order at 7:40 p.m. All members were present.

81-P SUBMISSION
FOR HOWARD FAFARD

EM reads letter from Janice Hannert, Fafard Real Estate and Development Corporation, dated January 13, 1994, attaching Approval NOT Required Plans and completed Form A documents for property on Hartford Avenue and Maple Street.

J. Hannert explains that they are looking to take property which they own on Maple Street and subdivide it into 4 parcels plus a nonbuildable lot which is on a separate Land Court plan. They configured the lots to conform to either residential or industrial zone. Lot one is a 2 acre parcel. Lot 2 is 3.03 acres. Lot 3 is 2.97 acres and Lot 4 is 46 acres with an 18 acre parcel.

EN asks how this falls in with the economic development proposed for the area.

RL responds that it is not the same location.

EM points out that the location for the proposed economic development is on the other side. He asks if there is a limit to the number of 81-Ps that one can do.

B. Lord, Esquire, from the audience, notes that as long as they are all 81-Ps, an applicant can do as many as they want.

AM believes they are all conforming because they all have frontage and lot area.

EM asks how many there are on each plan per lot.

The Board decides to discuss the Hartford Avenue 81-P first.

MINUTES OF PLANNING BOARD REGULAR MEETING

JANUARY 13, 1994

J. Hannert notes that this 81-P is for one buildable lot which is 4 acres and 2 nonbuildable lots, one with 30+ acres and the other with .5 acre. They want to preserve their rights. One lot is shown on parcel 2 plus the two nonbuildable lots.

EM asks where the frontage for the parcel is.

GG asks if this is the old Shoppes at City Lights location.

J. Hannert responds that it is.

EM points out that this is not an 81-P because there is no frontage on a road.

J. Hannert notes that they have easement rights.

EM states that those come into play at a later date, not at this time.

GG questions the frontage.

J. Hannert states that the buildable lot has 241' and the others have 100'. It is industrially zoned.

EM indicates that every lot has to have frontage on a public way.

J. Hannert states that 200' is required for agricultural.

MAPLE STREET 81-P

Members decide to discuss the Maple Street 81-P.

J. Hannert explains again this is for 4 separate parcels, all of which have the required frontage and lot area for either industrial or residential. There is a notation on the plan which says that lot 7 is conveyed with lot 4. This plan was filed with the Town Clerk one week ago.

EM states that even though the plan shows 7 lots, they are only creating 4.

J. Hannert responds in the affirmative.

GG makes a motion to approve the 81-P plan for Fafard for 4 lots on Maple Street. AM seconds motion. Unanimous vote of 5 (EM, EN, GG, AM and RL).

EN asks if this is Phase 2 of Riverview Park.

J. Hannert responds that it is.

EM notes that the fee is \$10.00 per lot since this is actually 4 different 81-Ps for 4 different lots.

J. Hannert presents checks for \$10.00 and another for \$30.00 to cover the \$40.00 fee.

HARTFORD AVENUE 81-P

J. Hannert explains that there is a 30+ acre site with a .5 acre right of way into the back portion of the parcel. This is similar to the WalMart subdivision with an Approval Not Required plan. The area creates one lot which conforms to the zoning regulations.

EM points out that WalMart has frontage and this does not.

J. Hannert notes that every lot will have frontage.

AM agrees that there is no public way. Only one lot has frontage.

J. Hannert states that America Avenue is proposed to be there.

EM states that the lot without frontage can go to the ZBA to get a variance. He refers to page 2 of the Rules and Regulations Governing the Subdivision of Land, Article 2, General Provisions. It requires a public way or a way which is certified to be used as a public way. That is the requirement unless there is an approved subdivision there.

B. Lord points out that it was approved but was never endorsed as Phase 6 of Riverview Park, Shoppes at City Lights.

EM notes that if the plan had been endorsed, they would have frontage on all the lots. The Board would like to have P. Herr look at this plan to identify the areas where it is deficient so they can correct them. The Board can not approve an 81-P plan without enough frontage. He asks why the plan was never endorsed.

B. Lord explains that the drainage pattern was changed for Shoppes. The developer held up having the plan endorsed because they wanted to put the correct drainage on the plan. It did not meet the requirements of drainage for Shoppes.

J. Hannert could review the plan with P. Herr and Town Counsel.

EM states that it may be in compliance but he is not sure it is right. He wants them to check with P. Herr and bring it back to the next meeting on January 27, 1994 under general business at

7:30 p.m.

DISCUSSION WITH RALPH MASTROIANNI, ARCHITECT ALONG WITH MS. PEARSON RELATIVE TO A POSSIBLE DEVELOPMENTAL PLAN REVIEW FOR PROPERTY ALONG HARTFORD AVENUE

AM discloses that her company lost this building to the FDIC.

R. Mastroianni explains that Ms. Pearson is the owner of the property who engaged him to plan a renovation of the building site. She intends to use it as a beauty parlor. He had several questions and spoke with P. Herr who suggested that he discuss it informally with the Board. He knows P. Herr because he has worked with him before. He presents a survey plan of the site for the Board's perusal. He understands the Bylaw and what it requires. He identifies Hartford Avenue and the access road to the pumping station. The site is intersected at the zoning boundary between industrial and agricultural. The question about the boundary is hard to get an answer to.

AM notes that the property has a variance for industrial zoning.

R. Mastroianni went to the Building Dept. and got a copy of the variance issued in 1987.

EM asks if there were any restrictions placed on that variance.

AM responds that yes, there were restrictions placed on the expansion of the building. They added an addition, but they could not add more.

EM states that the variance dated February 9, 1987 was granted to Ted Heliot.

AM explains that the back building which is shown was knocked down and rebuilt.

R. Mastroianni refers to the zone line. It intersects Stallbrook and splits the site in half. His second question regards access to the site and the status of the access road.

B. Lord states that it is not a public road. When the town took the property, it was owned by the same people. They appealed and defaulted, so the town won and it can not be used as an access road.

EM states that last night, Ted Heliot was granted permission to use the building as a duplex.

B. Lord states that the Water Commission can not grant

MINUTES OF PLANNING BOARD REGULAR MEETING

JANUARY 13, 1994

permission. They can only allow them to go to Town Meeting to make it a public way. Only Town Meeting can create a public road.

AM notes that there is already a variance to build on the lot. She asks where the frontage is.

B. Lord states that the variance used the water road as a public road, but unfortunately they adjudicated and found that the specific case is not a public road.

AM indicates that there is no legal frontage. They were denied access by Court decision. There is a problem with planning. The question is does the town want to see another curb cut.

R. Mastroianni notes that this is the reason he did not want to come without permission to use the road.

EN states that they can not get permission.

EM suggests they get a letter from the Water Commission granting permission to use the access.

AM notes that this applicant has the required frontage and there is no problem if she gets permission.

EM points out that the town paved this road and the school buses use it.

R. Mastroianni states that his other question is whether or not they need a full blown site plan review. They are not building anything.

EM states that it is required because they are creating parking. He asks the number of spaces created.

R. Mastroianni responds that by zoning, 13 are required.

EM notes that over 10 spaces, requires a Developmental Plan Review.

R. Mastroianni asks if they can avoid the expense of a whole site topo.

AM notes that the lots are there and the building is there. Mr. Mastroianni is saying that the Bylaw requires it.

EM suggests he ask P. Herr.

R. Mastroianni will prepare something and present it to P. Herr to see if it is adequate.

MINUTES OF PLANNING BOARD REGULAR MEETING

JANUARY 13, 1994

EM asks if the town would be open to liability because of the access at this location.

B. Lord states that the reality is that people are already driving on it.

RL thinks that it should be put through the Town Meeting.

AM notes that this particular applicant just needs access, not a public road.

EN agrees that it should be brought to Town Meeting.

AM points out that there is no time for this applicant to do that.

EN states that they can get permission from the Water Dept. but they are not really supposed to give permission.

GG suggests that Mr. Mastroianni go to see Water Superintendent Don DiMartino at the Water Dept.

GENERAL CORRESPONDENCE

Clerk reads letter from the Fire Chief, dated December 16, 1993, relative to the 81-P submitted for Old Log Lane. He has reviewed the plan but feels that the information submitted does not go into much detail as to the location of the proposed house. As long as the road is continued at a minimum width of the existing road and paved up to the house being built he would not be opposed. He asks if the Town will plow this proposed road. He feels that the information supplied is inadequate for review as no location of the proposed road, its width, the house location and other information is shown. More information is needed in order for him to make comments and recommendations.

Board members note that this 81-P was already approved prior to receipt of this correspondence.

Clerk reads letter from Donald F. DiMartino, Water/Sewer Superintendent, dated December 27, 1993 relative to Rawson Farm. The letter is addressed to Bruce Lord, Esquire with a copy sent to the Planning Board. He refers to the Water/Sewer Dept's agreement to sign the 90% completion form for this subdivision. In order for the Dept. to sign off on any further level of completion, the following requirements must be met. First, the Dept. must receive a copy of the recorded documentation indicating location and access rights for the easement between this subdivision and Deerfield Lane. Second, as-built drawings must be received which indicate the location and ties to all gate

MINUTES OF PLANNING BOARD REGULAR MEETING

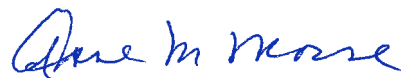
JANUARY 13, 1994

boxes on the main as well as all bends and other fittings installed. A sketch of each individual property which has the curb shut-off location marked with distances from the corners of the buildings to the shut-off must also be submitted. A final inspection must be completed which will confirm the location, ties, and condition of all gate valve boxes, curb shut-off boxes, and hydrants. He further requests that Mr. Britton contact the office to schedule the final inspection, once the first two items are submitted.

Members sign Clerk's pay voucher.

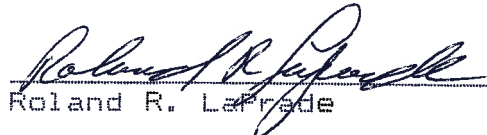
AM makes a motion to adjourn at 8:28 p.m. GG seconds motion. Unanimous vote of 5 (EM, EN, GG, AM and RL).


Edward T. Moore, Chairman


Anne M. Morse, Vice Chairman


Emile W. Niedzwiedek

Glenn E. Gerrior


Roland R. LaPrade