

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

JULY 28, 1994

Meeting was called to order at 7:30 p.m. All members except AM were present. Associate Member William Wozniak and Planning Board Consultant, Philip B. Herr, were also present.

SUBMISSION

Carol Dill submits the plans, application and abutters list for her definitive subdivision entitled Claire's Cove off Lake Street. The fee will be paid at the public hearing which is scheduled for 8:30 p.m. on August 25, 1994.

LOT RELEASE REQUESTS
BEECHWOOD ROAD, LOT 7A

Clerk reads letter from Town Counsel, dated July 28, 1994 relative to the lot release request for Beechwood Estates, Lots 5, 6 and 7. His ultimate concern is that in granting the lot release the Board would be stating that the work called for in the covenant has been completed to the satisfaction of the Planning Board. There are certain areas of the subdivision that have not been completed and for which there is no adequate security to complete same. It should be clear that Form G, Certificate of Release, should delete the words relative to "completed to the satisfaction of the Planning Board" and should make reference, if anything, to Lot 7A and clearly not to Lots 5, 6 and 7, and perhaps even a reference to the effect that the same is being granted not because there has been compliance with the covenants, but because of the previous issuance of a Certificate of Release to Lot 7 and the granting of a Building Permit to 28 Beechwood Road, Bellingham, MA.

P. Herr notes that if the release is granted the lots could be separated again. The placement of the house does not preclude building on lots 5 and 6 because they all have frontage.

Elinor Bennett, owner of lots 5, 6, and 7 (Lot 7A), states that there is a retention pond on lot 5. She is on lots 6 and 7 and runs septic onto lots 5 and 6. She asks if the Board will allow her

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to take the lot release tonight so the buyer's attorney can record it at the Registry of Deeds.

EM has no problem with approving the lot release request for lot 7A, Beechwood Road, provided that the words "have been completed to the satisfaction of the Planning Board" are crossed out of the lot release. The statement "Lot release is granted because of previous issuance of certificate of release to lot 7 and granting of building permit to 28 Beechwood Road, Bellingham, MA and not because of compliance with covenants."

RL makes a motion to approve the lot release for lot 7A, Beechwood Road. PC seconds. Vote of 3. EN abstains because he was not present for the beginning of the conversation. AM not present.

LOT RELEASE REQUEST 45 MONIQUE DRIVE, WETHERSFIELD III

RL makes a motion to approve the lot release request for 45 Monique Drive, Lot 2013, Wethersfield III. PC seconds motion. Vote of 4 (EM, EN, RL, PC). AM absent.

LOT RELEASE REQUEST, 22 KATHY DRIVE, EVERGREEN ESTATES

RL moves to approve the lot release request. PC seconds. Vote of 4. AM absent.

LOT RELEASE REQUEST, 34 SHEILA DRIVE, WETHERSFIELD SECT. II

RL moves to approve the lot release request. PC seconds. Vote of 4. AM absent.

FORM A, 81-P SUBMISSION FOR BLACKMAR STREET

Mr. Maybardy submits this 81-P for a land swap between himself and Mr. Gagne. PC moves to approve the Form A. RL seconds. Vote of 4 (EM, EN, RL and PC). AM absent.

RIVERVIEW PARK, PHASES II AND V

CONTINUED PUBLIC HEARINGS

DEFINITIVE SUBDIVISIONS

Janice Hannert, Fafard Companies, explains that Mr. Fafard no longer owns either of these parcels. Phase V is owned by Mr. and Mrs. Hill, 160 High Street, Bellingham. He is away in Maine and asked her to represent him here tonight. The town has had an interest in using Phase V for a well. They no longer have an interest in either of these two parcels. She wrote to the Bank of Boston, the owner of Phase II to let them know of the continuance and attempted to reach them by phone with no response. Mr. Hill

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asked her to represent his interests here tonight to request a continuance and extension for Phase V.

EM spoke with Mr. Hill yesterday about the same thing.

J. Hannert requests a two month extension on behalf of Mr. Hill to September 22, 1994 with an extension to follow.

B. Lord suggests that the Board continue Phase II on behalf of the Bank of Boston for a short period of time.

EM points out that there is no one here to request the extension.

RL asks if there are restrictions if they continue.

P. Herr notes that it continues consideration of the plan. If the continuance is not granted, they have to grant an approval or a disapproval. They have to make a sensible decision. They cannot disapprove because the current owner is not here.

B. Lord states that the Bank of Boston already has a buyer.

EM suggests that the Board act on each phase independently.

RL moves to grant the continuance to September 22, 1994 at 8:00 p.m. with approval for an extension to October 13, 1994. PC seconds motion. Vote of 4 (EM, EN, RL and PC). AM absent.

EM thinks that the Board should deny Phase II because there is no one here to speak for it.

RL notes that the task force recommended that this particular parcel not be industrial because it is not really suitable for that.

EM asks if the preliminary was approved or disapproved.

J. Hannert responds that it was disapproved.

P. Herr states that it does not meet the regulations because it is a long dead-end. There is only a single means of access for a collector street. He needs more time to review the file to come up with further reasons for disapproval.

RL makes a motion to continue this discussion to 8:40 p.m. tonight. PC seconds. Vote of 4 (EM, EN, RL and PC).

STEVEN WRY, LAND PLANNING

DISCUSSION RE: POSSIBLE SUBDIVISION LITTLE TREE LANE

S. Wry distributes sketch plans. Their client is looking at a buy option to put in a house on Little Tree Lane. They could put in a right of way to access the back of the property. The problem is they are 21 feet away from the right of way. They do not have the curb radius on the other side of the roadway. He is here to find out if the Board has waived something like this in the past.

P. Herr responds that the Board has waived that in the past. The real issue is a design question. Can they get a decent curb radius to fit?

COLEEN DOWD AUTO MECHANIC GARAGE

CONTINUED DEVELOPMENTAL PLAN REVIEW

EM asks if there is anyone here in the audience on behalf of Coleen Dowd.

Clerk checks the file and notes that the applicant was notified of this continuance on June 6, 1994.

DALPE DEVELOPMENTAL PLAN REVIEW FOR GOLF COURSE PARKING LOT

Clerk reads notice of public hearing.

B. Lord is present representing Mr. Dalpe. He explains that Mr. Dalpe recovered a gravel pit as instructed by the ZBA. He is recovering it into a 9 hole golf course. This area is behind and not on the original Dalpe plan. He is converting the barn into a clubhouse. Developmental Plan Review is required because of the parking lot for 26 cars. They currently have 44 existing spaces with a 26 added. This is across the street from the Coachmen's Restaurant.

RL points out that the entrance is across from where two houses were removed by NECC.

EM is concerned that people who are leaving may be bothered by the lights.

B. Lord explains that the golf course is not lighted and they will not be playing at night. They anticipate an 8 month season. He will apply for a club license but he is not looking for long hours of operation. The parcel is all zoned residential. This is an extension of the business. The variance for serving food was given a lot of years ago.

EM is surprised they can have a golf course in a water resource

disrict.

B. Lord indicates that they gave a list of the chemicals to be used to D. DiMartino. All chemicals are ordered through Franklin and are not stored on site. Mr. Dalpe will have an open house on Sunday. The only addition which triggers the development plan review is the parking lot.

P. Herr states that the access is the same as it is now.

EM asks how they get in right now.

B. Lord responds that there are two entrances like a horseshoe.

RL notes that there is good site distance from both sides. There is a room with a deck on the top which constitutes a new building. He believes that would trigger developmental plan review.

B. Lord states that there is not enough square feet. The applicant will have storage space underneath. They assume that anyone going to the restaurant will be going there to golf.

RL points out that they are eliminating spaces.

B. Lord confirms that they are losing 6 spaces of the existing 44.

P. Herr does not think there is any way they will average two cars per active hole. He thinks that the parking is more than adequate.

RL makes a motion to approve the developmental plan for the Dalpe parking lot golf course. EN seconds motion. Vote of 4 (EM, EN, RL and PC). AM absent.

B. Lord requests that Clerk send a copy of the letter of approval to the Building Inspector to him and Mr. Leo Dalpe, 230 Wrentham Road, Bellingham, MA.

RIVERVIEW PARK, PHASE II CONTINUED PUBLIC HEARING

EM reopens the public hearing.

P. Herr states that there are 4 problems with this subdivision: (1) there is only a single means of access which is not adequate; (2) there is no turnaround at the end of the street; (3) Maple Street does not provide a level of access and (4) neither the owner nor an authorized representative of the owner is present. He suggests that the Board close the public hearing.

EM again asks if there is anyone here on behalf of Riverview Park, Phase II.

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RL makes a motion to close the public hearing. PC seconds. Vote of 4 (EM, EN, RL and PC). AM absent.

P. Herr suggests that the Board vote to disapprove this definitive subdivision for the 4 reasons noted above which he has written down to be inserted in the decision.

RL moves to disapprove the Riverview Park, Phase II definitive subdivision based on the reasons cited above. PC seconds. Vote of 4. AM absent.

COUNTRY CLUB ESTATES II
DISCUSSION

Jim Reger, BayState Realty, explains that the Planning Board signed the plan in 1989 but because the economy was down, they never recorded the plan which also has to be recorded in Land Court. The town put the sewer line in. He is here to find out what the Planning Board wants to update the plans. All the percs were done but they have expired. Nothing has been built on the site.

Mario DiBona, builder, states that there is a land court plan.

J. Reger indicates that there is a drainage structure on the ground and the land is cleared.

EM explains that on another occasion with a similar situation, he checked with Town Counsel, who advised that another public hearing be held since they are coming in 5 years later. He suggests they have another public hearing.

P. Herr asks if the town has security.

J. Reger responds that there is no performance bond.

Clerk notes that there is a covenant in the file.

B. Lord states that the problem is that it was not filed within the 6 month time period. The plan has to be resigned. It is the Board's right to request a public hearing.

J. Reger refers to the retention and drainage.

PC points out that they can connect right to the sewer.

J. Reger indicates that they have to go back to the Conservation Commission. They are not changing the subdivision at all.

EM suggests they reapply for a definitive subdivision.

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P. Herr thinks that they should sort out the sewerage issue first.

M. DeBono states that there is already a recorded plan in Land Court. He asks what would happen if someone decided to go with the working subdivision and work with the Conservation Commission. What is the procedure to add a sewer line?

EM states that the Dept. of Public Works has to talk with Don DiMartino.

PC suggests that they talk with D. DiMartino first. Looping the water line is better than having two deadends.

EM notes that from a planning point of view it is better to have a straight through road rather than two cul-de-sacs. The original plan is already there and has already been recorded but it requires a sewer profile so they would have to come back for the sewer. They would also have to come back for the bond.

B. Lord explains that they would have to come back to the Planning Board to bond the road for the lot releases even if they go with the existing plan.

EN asks if the Conservation Commission gave a reason for their intervention.

J. Reger responds that it is not a limited project. They can get in from either side.

M. DeBono asks if anyone ever offered to replicate.

J. Reger does not recall.

M. DeBono thinks that there is a valid argument for filling and replicating.

EM suggests they see D. DiMartino first and then go to the Conservation Commission.

B. Lord points out that these properties are all in tax foreclosure. The Treasurer requests that she be notified prior to any decision being rendered.

M. DeBono who is from Newton will be building the houses himself. He built his first subdivision in Bellingham at Lane Circle.

P. Herr points out that this subdivision is in litigation. An abutter was unhappy about the utilities and is suing the town.

B. Lord thinks that they could notify abutters without having a

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public hearing. They would have to check with Town Counsel.

P. Herr believes the real question is whether they are revising the plan.

J. Reger responds that they are revising it to the extent of the sewer.

P. Herr asks if they have heard from the Board of Health.

J. Reger points out that the plan requires another signature because it was not recorded within 6 months. The plan can be re-endorsed because nothing has changed in the plans or the regulations. It does not require a public hearing.

RL feels that the neighbors should be notified.

B. Lord thinks that they could just notify abutters and explain that they are just resigning the plan.

P. Herr believes that there will be people who will care about this.

M. DeBono asks if the Board could set a date if they draw up a notification of what will transpire.

EM indicates that the Board would have to see it first and have it reviewed by Town Counsel.

M. DeBono is considering the alternative of putting a road through and dealing with the Conservation Commission. They have to deal with them anyway because they are within 100' of the buffer.

COLEEN DOWN CONTINUED DEVELOPMENTAL PLAN

EM explains that the ZBA denied the variance based on the site distance. He does not think that they should have been so quick to deny them. The problem is that no one is here tonight to represent the applicant.

P. Herr does not think that complete materials were submitted. He suggests the Board send a letter to the applicant indicating that the materials submitted were not fully complete. Therefore, he does not believe that the timeframe for action has started yet. The topography is incorrect. The plan does not include any material regarding erosion control. There is no material relative to sign location. There is also no material regarding the exterior lighting except for the building.

EM notes that the Board granted continuances and extensions before.

P. Herr does not believe that the submittal requirements have been met. Therefore, the conditions for approval have not been met.

EM thinks that the applicant should let the Board know when they have the material.

P. Herr thinks that the Board can sit on it as long as they want because it is not a complete submittal. The last time the applicant was here there were a number of deficiencies. The Board was waiting for them pending resolution before the ZBA. Now that the ZBA decision has been rendered it is appropriate to reach resolution that the complete materials have not been submitted. It is appropriate to provide notice about that at this time.

LEVINE MINIATURE GOLF COURSE/DRIVING RANGE DISCUSSION

EM notes that the plan did not show the abutting house. They are putting in a living fence where they dug a trench today. There is a cluster of lights at the corner. They also buried stumps and had to dig them out and remove them. He is concerned about the lights.

EN thinks that the Building Inspector should be made aware that the applicant did not comply with the Bylaw. He makes a motion to notify the Building Inspector about the revised plan and the lights. The applicant did not provide a revised plan like they were supposed to.

EM states that the Building Inspector is on vacation and Earl Vetta, the Asst. Building Inspector should be notified.

EN will walk over to the Police Station to talk to Earl. He will give a copy of the minutes to Earl and tell him that no revised plan was every submitted.

P. Herr reads from Section 1422(e) wherein it states "No occupancy permit shall be issued by the Building Inspector until he has been notified in writing by the Planning Board that it has either received certification from a registered architect, landscape architect, engineer, or other design professional that all construction has been completed in accordance with the approved development plan, or has received surety for completion within a reasonable time for specified incomplete elements, such as landscaping or roadway top course, whose delayed completion has been determined by the Board not to impair safety or convenience for users of the site."

CORRESPONDENCE

Clerk reads letter from the Building Inspector to Anne Morse, dated

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July 20, 1994 indicating that the Coachmen's Lodge did not require a Developmental Plan Review.

Clerk reads letter from Denis Fraine indicating that the Special Town Meeting will be held on October 5, 1994 and that articles for the warrant must be submitted prior to August 3, 1994.

Clerk reads letter from the Lincoln Institute of Land Policy, dated July 12, 1994 regarding a forum which will be held from October 1994 through May 1995. Scholarships for the tuition are offered to a select number Planning Boards throughout New England.

Board members agree that they are interested in attending the forum.

An application must be filled out indicating the 3 most pressing planning issues facing the Planning Board.

P. Herr responds that they are (1) the cumulative impacts of scattered development; (2) cumulative traffic and circulation problems and (3) formless town character which results from years of lack of direction and inadequately controlled town land development. The master plan was first done in the 1960's and was updated in June 1985.

Meeting adjourned at 10:30 p.m.



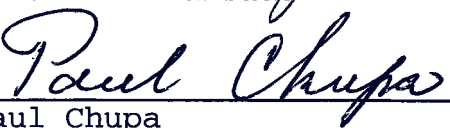
Edward T. Moore, Chairman

Emile W. Niedzwiadek, Vice Chairman

Anne M. Morse



Roland R. LaPrade



Paul Chupa