

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

OCTOBER 13, 1994

Meeting was called to order at 7:57 p.m. All members were present. Planning Board Associate Member William Wozniak was also in attendance.

HOLDEN STREET

DISCUSSION WITH MR. CALARESE

Mr. Calarese refers to a lot off Holden Street which was incorrectly marked on the Assessor's map. The road ends but there is access. It is not an accepted road according to Wilfred Arcand. He proposes building on the lot in question and proposes to continue with the driveway. The property transferred from Potter to Varney with an easement.

EM asks if it is an approved subdivision.

Mr. Calarese responds in the affirmative.

EM states that this parcel has a subdivision on a plan but is not on an approved road. It is a recorded plan.

PC notes that the project was never completed.

Mr. Calarese points out that Mr. Arcand told him that there are a bunch of roads in town which he wants to get accepted of which this is one of them.

EM indicates that this is a fairly flat section. Right now the whole thing is used as a driveway.

Mr. Calarese explains that no betterment assessment was ever paid. W. Arcand suggested coming off the driveway. He also spoke with Don DiMartino about the sewer manhole.

PC notes that there is a sewer line right there.

EM indicates that the only way to do this would be to make the

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existing road better and more than a driveway.

AM does not think that he could go in and build less than what is supposed to be there.

Mr. Calarese indicates that Mr. Arcand told him to hook the driveway in and tie in to the sewer and water.

EM states that he cannot get a building permit without frontage on an accepted street.

EN asks if this would require a public hearing.

EM does not think that it would because it is already a subdivision.

AM thinks that they are making it different since he is proposing to do it without meeting the standard requirements.

EM states that they may be able to get the original approved plan and build it to standards.

PC believes that the church was thinking of selling land adjacent.

EN indicates that it is all swamp land.

EM states that there must be a road to the end. Someone else may come in and build the road further.

AM thought that the Board had done this in the past with a variance.

EM believes that it was done with a waiver.

Mr. Calarese will investigate further.

SUBMISSION

Bill Halsing, Land Planning, submits an 81-P, Form A for Francis Fava, 24 Arbend Circle. The owner of the large lot is selling parcel A.

AM asks what the zoning is.

B. Halsing responds that it is residential. The lot is undersized anyway but this is making it bigger.

AM indicates that this would be making it less nonconforming. She makes a motion to approve the 81-P for Edward McCleary and Francis Fava. PC seconds. Unanimous vote of 5 (EM, EN, AM, RL and PC).

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EM reads note on plan which indicates that Parcel A is conveyed from Lot 3052 to become part of lot 85. Lot 85 will now have 15,283 sq. ft. Lot 3052A will now have 31,425 sq. ft. This land is zoned residential.

SILVER HEIGHTS DEFINITIVE SUBDIVISION
REQUEST FOR BOND REDUCTION

AM abstains from this discussion because she has done work for this developer.

David Pagnini, Esquire, is representing Mr. Rosenfeld, developer of Silver Heights. He explains that the remaining bond in the amount of \$26,283.25 is held in a passbook at the Town Treasurer's office. There are two items left to be completed: installing the finish coat and the plans required for street acceptance. They are asking for a bond reduction in the amount of \$9,487.50 which is the cost to complete the two items noted as per the estimates which they are submitting plus a 15% contingency amount. Mr. Rosenfeld went to see Mr. W. Arcand and submitted the same estimates. He presents a letter from Mr. Arcand agreeing with the estimates.

EM refers to letter from Abram Rosenfeld, dated October 12, 1994 enclosing the estimates and letters noted above. Estimate for Silver Avenue, installation of 1" of finish pavement is \$6,250.00, submitted by Washington Paving Co., Inc., dated August 18, 1994. Estimate from Guerriere & Halnon Engineering, Inc., dated October 11, 1994 for survey work to completed Silver Heights IV is for \$2,000.00. Contingency of 15% in the amount of \$1,237.50 is added for a total bond amount of \$9,487.50.

EM reads letter from Wilfred Arcand, Jr., Highway Department, dated October 12, 1994, wherein he encloses copies of correspondence from Rosenfeld Company with cost estimates from Washington Paving Co., Inc., and Guerriere & Halnon relative to the completion of the work in the Silver Heights IV subdivision. It is his opinion that the amount of the bond may now be reduced to the sum of \$9,487.00.

EN makes a motion to reduce the bond per the information given.

RL seconds motion. Vote of 4 to reduce bond (EM, EN, RL and PC). AM abstains.

Clerk to send letter to Town Treasurer advising her to release all monies except \$9,487.50. Copies of letter to be sent to Mr. Rosenfeld and David Pagnini, Esquire, 300 East Main Street, Milford, MA.

RIVERVIEW PARK, PHASE V
CONTINUED PUBLIC HEARING FOR DEFINITIVE SUBDIVISION

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EM reopens the public hearing.

Janice Hannert, Fafard, explains that Phase V encompasses 53 acres. She requests a 6 month extension on behalf of Mr. Hill, the owner of the property. Reason for the request for continuance includes the town's interests in that parcel for wells. The town is also looking at the area in an Economic Development Study.

EM reads letter from Janice Hannert, dated October 13, 1994 requesting a continuance of the hearing on Phase V to April 13, 1995 with an extension of the vote to May 12, 1995. The purpose of the extension is to allow time for additional planning on this parcel and to coordinate with the overall study, which includes this area, being done for the Town of Bellingham. The parcel is owned by Mr. and Mrs. Richard Hill. A copy of the letter was sent to Mr. Hill at 160 High Street, Bellingham, MA.

RL makes a motion to grant the continuance of the public hearing to April 13, 1995 at 8:00 p.m. and approve the extension to May 12, 1995. PC seconds. Vote of 4 (EM, EN, RL and PC). AM not present.

COLEEN DOWD AUTO MECHANIC GARAGE
CONTINUED DEVELOPMENTAL PLAN REVIEW

Daniel Doyle, Esquire, attorney for Coleen Dowd, explains that the District Court remanded this variance request back to the ZBA. The ZBA approved the variance at their meeting last Thursday, 4 in favor with abstention.

EM notes that the variance which was granted was filed with the Town Clerk on October 11, 1994. Since the 20 day appeal period is not up, the Board cannot act on this DPR. He reads the decision which states that a frontage variance is granted for 25 feet in accordance with Section 2600 of the Bellingham Zoning Bylaws. The property currently fulfills all zoning requirements for the business district except for the frontage, which is insufficient. He received a fax from P. Herr, dated October 12, 1994, wherein he states that the only clear deficiency relative to DPR is regarding the grading proposed on land identified as belonging to the north abutter. It is his understanding that written authorization for that is about to be produced. If not, any approval should be transmitted to the Building Inspector only after receiving documentation of such approval. Sight distance remains a concern, but is not grounds for disapproval. Screening for the full northern property line would be desirable, but that is not something which the Board can require. Some might believe it would be good for the detention area to be fenced and gated. That could be required under Section 3282 of the Zoning Bylaw, but need not be insisted upon if the Board believes that at that location it would

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serve no useful purpose. The parking layout as shown is problematic, but there is plenty of proposed asphalt to accommodate all of the parking needs which this activity is likely to develop, so long as the premises are not cluttered with "in-process" cars which remain for long periods of time. The drawing indicates no free-standing signs or free-standing lighting. A revised plan would be required if such signs or lighting are contemplated.

D. Doyle indicates that they do have a verbal agreement for the grading easement but it is not in writing yet.

EM thinks that the detention has to be fenced because of the concern relative to small children and animals. The police do not want slats. It should be the same height as the development next door.

Steve Donatelli, Shea Engineering, explains that the lighting is attached to the building and the sign is mounted on the front of the building.

EM reiterates that the Board cannot act until the appeal period passes on October 31, 1994.

D. Doyle asks if the Board can conditionally approve.

EM discussed the matter with Town Counsel this morning. The Board cannot approve until after the appeal period has passed.

Clerk to check with P. Herr to find out if he would rather come to the November 10 or November 17, 1994 meeting since the Board will only hold one meeting during that month due to the Thanksgiving Holiday. Clerk to post meeting schedule change with Town Clerk. Clerk to phone Attorney Doyle with date and time of November meeting to continue this DPR. Meeting will either be November 10 or November 17, 1994 at 8:00 p.m.

GENERAL BUSINESS

Bruce Lord, Esquire, advises the Board that Clerk has provided copies of minutes from Crestview Commons which he requested and for which he will pay Clerk \$50.00.

Clerk to check with P. Herr to find out if he discussed the Building Inspector joining the Board for a discussed with D. Fraine.

Members sign invoice for P. Herr printing expenses and Clerk's pay voucher.

EN makes a motion to adjourn the meeting at 8:55 p.m. RL seconds

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



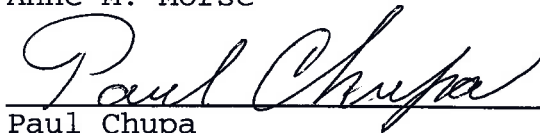
Edward T. Moore, Chairman

Emile W. Niedzwiadek, V. Chair



Roland R. LaPrade

Anne M. Morse



Paul Chupa