

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

**EDWARD T. MOORE, CHAIRMAN  
ANNE M. MORSE, VICE CHAIRMAN  
ROLAND R. LAPRADE  
PAUL CHUPA  
WILLIAM M. WOZNIAK**

**MINUTES OF REGULAR MEETING**

**FEBRUARY 8, 1996**

Meeting commenced at 7:05 p.m. All members were present. Associate Member Richard Dill was also present.

Discussion re: proposed Zoning Bylaw amendments for the Annual Town Meeting. Clerk spoke with P. Herr who indicated that he only has the Water Resource District Map bylaw revision for the Town Meeting. He questioned the status of bylaws for microwave power, accessory apartment and sign bylaw. The Board may want to pursue them for the Annual Town Meeting. Members will decide on the number of articles at the next meeting and Clerk will notify Board of Selectmen prior to February 23, 1996, the date the warrant closes.

**CENTERVILLE ESTATES**

Board received a letter from the Board of Selectmen requesting a recommendation relative to the street acceptance request for Centerville Lane. Clerk to call developer, Mark Staniscia and request that he come in to the February 22, 1996 meeting with a recommendation from the DPW. Members point out that the subdivision road has not gone through a winter yet.

**MINUTES ACCEPTANCE AND GENERAL BUSINESS**

RL moves to accept the January 11, 1996 minutes. PC seconds. Unanimous vote of 5.

Discussion follows RE: Crossroads decision and memo received from P. Herr relative to decision to remove landscaping from parking by D. DiMartino at meeting attended by D. Fraine, D. DiMartino and R. Frasier. It was RL's understanding that it was going to be landscaped.

EM may not be able to sit on Georgia Pacific. His parents estate abutts the property. He thinks

## **MINUTES OF PLANNING BOARD MEETING**

**FEBRUARY 8, 1996**

he sat in on Somerville Lumber. He will discuss it with Town Counsel. R. Dill will sit in for RL because he will not be in attendance at the meeting.

### **DEER RUN PRELIMINARY SUBDIVISION**

Erik Anderberg, Esquire, asks if the Board received a written response from Lee Ambler, relative to the right of way.

EM responds that the Board did not receive a response in writing. L. Ambler was told there would be a new plan so there was not need to respond. L. Ambler did speak with Mr. Jones.

Sara Pultz, Salvetti Engineering, explains they are not going up Pine Grove but are going up Pulaski Blvd. with 34 lots.

EM asks if all 34 are based on the road layout.

S. Pultz responds that some are off.

EM notes that the Conservation Commission is concerned because some of the lots are in the flood plain.

S. Pultz identifies two as being in the flood plain.

EM asks if that renders them unbuildable.

E. Anderberg responds that the owners will have to get flood insurance.

EM explains that P. Herr commented that this is now a workable plan but there are still 34 lots with a single means of egress. There is still one road for 30 of the lots.

E. Anderberg disagrees. There are two egresses.

EM indicates that only 12 are allowed on a dead-end street. The Board can waive the second means of egress if there is no other way to put it.

E. Anderberg wrote L. Ambler a letter explaining their position but hasn't heard from him.

S. Pultz explains that they have no rights to the house in the middle. It is not part of the lot.

E. Anderberg notes that even if they had rights, they couldn't get a road in.

WW thought they were supposed to show the surrounding land.

## MINUTES OF PLANNING BOARD MEETING

FEBRUARY 8, 1996

AM suggests they put in an emergency access with a breakaway. The Board has done that in the past.

EM agrees, it was done before with a waiver. In that situation, the developer could put in a road but it was unsafe to do it. This is different.

E. Anderberg explains that if there is blockage, cars have another way out because the road does loop around.

PC states that the easement for access died with Ellsworth Crooks.

Bill Yasick, Pine Grove Avenue, abutter, explains that Ellsworth Crooks' lot had legitimate access to the sand pit for a number of years. He denied access to Pine Grove when he sold it.

EM does not believe there is a guarantee it can go through.

E. Anderberg wants guidance as to which way they are going before they go to the expense.

D. Fraine discusses the drive-in piece which he is concerned will be developed for business in a residential area. He suggests they consider looking at it as residential zoning for the 6 acres. It would be better for the neighborhood than having it isolated.

RL notes that there is nothing to stop anyone from putting houses in a business zone. They don't have to rezone.

D. Fraine points out that in order to preclude someone from putting in a business, it would have to be rezoned.

EM states that even if houses are put in a business zone, a business could be put in later on.

E. Anderberg explains their intention if rezoned to suburban is for residential, not business.

RL indicates that there are a number of businesses near that location including a body shop and travel agent.

EM states they are pre-existing nonconforming but if the use changes and it was rezoned, business would not be able to go in that location.

D. Fraine would be interested to hear what the neighbors have to say.

PC talked with a few of the neighbors. They are concerned about what business may go in there.

## **MINUTES OF PLANNING BOARD MEETING**

**FEBRUARY 8, 1996**

B. Yasick has spoken with the neighbors. Everybody on Pine Grove and Muron is upset about the whole project because the streets can't handle the traffic.

AM explains that legally one could put in a business now.

EM notes that there are two separate issues. If the front is rezoned, there will be houses fronting Pulaski Blvd. This project will fly without the rezoning.

E. Anderberg discusses the possibility of rezoning to residential with business as a second access and reopening of the drive-in.

WW asks why it would matter if it was rezoned to residential.

EM explains they can put more in a residential zone than B-2. B-1 is 20,000 square foot lots and B-2 is 40,000 similar to suburban.

D. Fraine brought it up to see whether or not it makes sense to the Planning Board and the neighbors.

RL asks the number of acres in the drive-in.

S. Pultz responds there are 6.

WW asks about frontage on Pulaski Blvd.

Tim Jones, developer, states they could have 6 lots at 20,000 square feet or 3 lots at 40,000 or it could be one large business. He is giving the town the option because it doesn't matter to him.

EM thinks the rezoning is a good idea.

Bill Yasick is concerned that the subdivision will effect Pine Grove with runoff.

S. Pultz disagrees - it is not effecting Pine Grove.

AM thinks that subdivisions sometimes improve drainage situations.

EM explains that information will be provided at the Definitive stage. The Board is discussing whether or not they can get in and out right now.

AM asks if the Conservation Commission approved the wetland crossing.

E. Anderberg will go to them and discuss it further. Resident Allan Taylor is not willing to sell

## MINUTES OF PLANNING BOARD MEETING

FEBRUARY 8, 1996

to give them another access. The impact to the wetlands will be addressed at the Definitive stage.

EM identifies 31 lots on dead-end street with the rest on Muron. 31 are not allowed on a dead-end by the Bylaw. There is a provision to waive if it is a benefit to the town.

S. Pultz notes that they have no other means of egress.

EM states that it will be sewered but will not benefit anyone else.

E. Anderberg indicates it is not available to Pine Grove.

RL understood from their engineer that Pine Grove would not be sewered no matter which way they went because of the grade.

S. Pultz explains that they don't want sewer within 400' of the well and that is why they can't run the sewer down.

RL asks about the water lines/sewer lines.

B. Yasick thought they said at the last meeting that the elevation wouldn't work.

T. Jones explains that is due to the culvert in the road. If they redid the culvert, it may work. He would address it if he were allowed.

E. Anderberg states they can look at it if the state allows them to in the protection wellhead.

S. Pultz has not looped the sewer lines.

WW thinks the biggest concern is the second means of egress.

E. Anderberg notes that there are already a couple of houses in the wellhead with septic.

PC identifies wells 3 and 4 which are there and #11 which is across the street.

S. Pultz prepared this plan based on comments from the first plan which was submitted.

EM refers to Beechwood Estates which has similar limited access.

WW points out that they have one way out, the same as Hixon Street.

E. Anderberg does not believe it is as large an issue. There is a small blockage area but cars can go around.

## **MINUTES OF PLANNING BOARD MEETING**

**FEBRUARY 8, 1996**

EM points to a stretch which if blocked would block all 30 houses. The plan has come a long way since originally presented.

WW asks who owns another abutting parcel.

S. Pultz responds John Wosylean owns it.

B. Yasick points out that the police drive through the gravel pit land all the time.

EM notes that there is an electric easement there which they can pave over. They can't pave over a gas easement. If the applicant meets the letter of the Bylaw, the Board has to approve it.

E. Anderberg refers to the letter he wrote to L. Ambler which was not responded to.

D. Fraine will discuss it with him.

AM would feel comfortable with an emergency access.

B. Yasick believes that Town Counsel responded to the developer verbally.

RL suggests they talk with the Conservation Commission to see if what they want to do is possible.

EM wants them to show why the Board should approve it.

S. Pultz responds they have no other way out. If they had a way, they would do it.

EM suggests it may be worth it for them to pursue purchasing the abutting property with 34 house lots. It would be a way to loop the water line.

PC thinks they may be able to get Woyslean to sell.

AM moves to continue the Deer Run Preliminary Subdivision to February 22, 1996 at 9:00 p.m. WW seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

## **SPRING MEADOW PRELIMINARY SUBDIVISION CONTINUED**

Greg Rondeau, applicant, from Franklin, brings the Board up to date. At the last meeting, the Board requested that he meet with the Conservation Commission to discuss the wetlands. They did require that he pull the cul de sac back away from the wetlands so they will not encroach into the wetlands as shown on the plan. They reconfigured lots 4, 5 and 6. He is here to see if the Board requires any more changes before they revise the plan. He suggests that the Board may

## **MINUTES OF PLANNING BOARD MEETING**

**FEBRUARY 8, 1996**

want to approve the plan now and then he will make the changes.

EM states that the Board is not approving the plan as it is. He questions if the lots meet the shape factor. He is concerned about the square footage in the dry area and the flood plains.

G. Rondeau knows they will lose one lot which may be deeded to the town as unbuildable.

Cliff Matthews, Chairman, Conservation Commission, joins the discussion, and points out the requirement that 90% of the lot must not be wet.

G. Rondeau states there were questions about the crossing and the large hill. They cross once with the house and septic in the back.

C. Matthews asks if they could have access without crossing the wetlands.

EM states they will have 5 lots instead of 7. The plan is workable but he has to see the plan revised. In concept, it sounds better with less lots and a shorter road.

G. Rondeau indicates that it depends on how far back they can pull the cul-de-sac. He asks if the Board has any other concerns before they change the plan.

EM refers to the Conservation Commission issue and P. Herr's concerns about the lot shape factor.

G. Rondeau will pull the cul-de-sac back to make it work.

EM states that if developer wants the Board to take action now, they would have to disapprove it.

G. Rondeau will take it back and rework it.

WW moves to continue Spring Meadow Preliminary Subdivision to March 14, 1996 at 7:30 p.m. PC seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

### **HARPIN STREET - 2 LOTS**

Al Florentz, engineer and Roger Gagnon, developer, are here to discuss the two lots on Harpin Street. All the neighbors came to the ZBA hearing. They put the houses close to the front to leave the back empty. This is a two lot subdivision. R. Gagnon withdrew his variance without prejudice. A. Florentz advises the Board that the two lots meet the 22 Regulation and area. They will have a 40' road with 22' pavement. They didn't have the 50' for a backlot. They have double the area in the back and met everything but the 50' frontage. The ZBA asked if they meet the 22 Regulations and area. R. Gagnon states that the ZBA had no problem with the variance but said it

## MINUTES OF PLANNING BOARD MEETING

FEBRUARY 8, 1996

looked like they were trying to circumvent the Planning Board because they received a letter from the Board stating that it didn't appear to meet the requirements.

EM refers to the Bylaw requirement for 50' for a backlot. They went to the ZBA because they had less than 50'.

A. Florentz feels that it does meet the lot shape factor. They will only have 22' of pavement minimum.

EM does not know if it is an approvable subdivision.

AM needs to see an approvable road. They need all the engineering drawings to do that.

EM suggests they bring it back to the next meeting and send a copy to P. Herr prior to the meeting for his review.

AM states that they still have to address the drainage and show a doable subdivision.

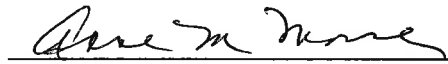
PC wants them to send a copy of the plan to P. Herr to check the lot shape factor.

A. Florentz discusses the next step with R. Gagnon and decides to do a subdivision.

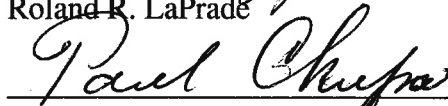
EM advises that even if they receive an approved variance, they will still have to come back for a subdivision.

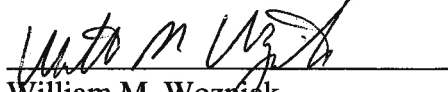
AM moves to adjourn at 8:55p.m. WW seconds. Unanimous vote of 5.

  
Edward T. Moore, Chairman

  
Anne M. Morse, Vice Chairman

  
Roland R. LaPrade

  
Paul Chupa

  
William M. Wozniak