

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

RICHARD V. DILL, CHAIRMAN

PAUL CHUPA

VALERIE J. DeANGELIS

ANNE M. MORSE

WILLIAM M. WOZNIAK

STEVEN CHOINIERE (Alt.)

MINUTES OF REGULAR MEETING

November 11, 1999

Meeting commenced at 7:00 pm. All members were present. Minutes recorded by Planning Coordinator Jill Karakeian. Planning Board consultant Philip B. Herr was also present.

GENERAL BUSINESS

RD brought up the Summit Bank sign and touched base on Stuart LeClaire's letter regarding this. I sat in the Zoning Board meeting last Thursday (11/4/99) and WW is my witness and before we left the meeting I looked at the Zoning Board and asked for clarification, your secretary will be sending Stuart LeClaire a notice that their in violation and the scrolling sign will be shut off? Is that correct WW?

WW agreed.

P. Herr says that he went by the sign tonight and it is still flashing.

RD mentions in his letter that for him to enforce non-compliance of issues that the Planning Board has with this sign, I need something from the ZBA stating what their decision was. I am asking this Board what to do at this point. I clearly told Stuart that you don't have anything in writing that says they have a variance on Section 3111 therefore, they are in violation of that section. He says that he still needs something from the ZBA.

WW says that at the ZBA meeting of 11/4/99 it was talked about that Summit Bank assured the ZBA that the sign was not going to flash. It's not just in the minutes, it is stated in their application.

RD says that the point I'm driving at is that Stuart refuses to make any action, because nobody is giving him direction, when he sees a clear violation. The part of the Bylaw, Section 3111 says "not to flash or scroll". But, he refuses to act upon that.

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WW stated that at the Workshop held on Monday (11/8/99) at the Town Hall Annex, Board members their were unaware that the sign was in violation. The Board of Selectmen were unaware of that violation.

RD says that the Bylaw is very clear on flashing and scrolling. The ZBA pretty much agreed that it is in violation. There was only one member that disagreed and that was Mort. Do we want to send something to Stuart, or to the ZBA saying "as RD and WW attending the ZBA meeting of 11/4/99 it was agreed upon that the Summit Bank sign was going to be shut off". Copying to Stuart?

VD mentioned sending a letter to the ZBA and copying Denis Fraine, Stuart and the Board of Selectmen saying "this is to confirm our conversation on 11/4/99 that you will be sending a letter to the Building Inspector with regards to the Sign being shut off due to non-compliance to Section 3111 of the Bellingham Zoning Bylaws."

RD reads part of Summit Bank's application. Free Standing Sign Variance Justification: (under paragraph 2) Signage provides an easy understood form of communications in a developed area and effective sign system will direct, guide and inform the public. Although a LED display will be utilized there will be no animated, moving or flashing features.

WW questioned the building at the corner of Blackstone Street and Mechanic Street and that there are different businesses in the building and it raises the questions of change of use.

VD says that a letter should be sent to the Building Inspector regarding the different business that are in that building at the corner of Blackstone Street and Mechanic Street and that if the use changes they should come before the Planning Board.

RD mentioned to Phil about the workshop that was held the past Monday night regarding street acceptance procedures that was held at the Town Hall Annex with other Board members as well as Don DiMartino, Board of Selectmen and Denis Fraine. The meeting was continued, but we weren't sure if the issues discussed were going to take effect immediately. The next day Don DiMartino gave Lorusso Construction their Form J for Weston Estates using the Mass. State Highway line items for the bond amounts.

VD says that Don DiMartino was very clear in saying that there were two parts to our discussion and that there was one part that could be initiated immediately, but there were other parts that had to do with Subdivision Regulations being revised that could not be done immediately. I was under the understanding that those items that could be done immediately he was going to do them.

RD mentions the letter that Don send out on 11/11/99 and it says "the question is, do we immediately implement the changes that we discussed or do we add all the changes to the regulations after a public hearing?"

P. Herr mentions that the amount required for a bond is not set in the regulations.

WW says that Don mentioned that the projects that are already started, he wasn't going to implement the bond on those projects.

The Board signed payroll for clerk and stipends as well as invoices.

STOR/GUARD SPECIAL PERMIT & DEVELOPMENT PLAN REVIEW – PUBLIC HEARING – CONTINUED

WW asked JK if we heard back from Town Counsel with regards to WW sitting and acting on this due to him missing one of the meetings?

JK said that she spoke to Lee Ambler and said the WW could not act on Stor/Guard Special Permit & Development Plan Review but he can participate in the discussion.

P. Herr says that he had no conflict, he simply missed one of the meetings it was discussed at. Was the Alternate present at all the meetings?

VD says that if it was declared at the beginning of the Public Hearing that the Alternate Member was going to sit then that is fine, but if it wasn't mentioned then he can't be part of the vote.

Joseph Santos (attorney for petitioner) suggests that in the future, should you have a Special Permit Hearing open and all members including the Alternate be present that you include the Alternate just in case this should happen and a member misses a meeting you still have a 5 member board.

The Board agreed that as a good idea.

P. Herr asked if there is only four members acting on this?

RD says yes.

Joseph Santos mentions that Stor/Guard chooses to go forward with a four person Board and we understand that we will need four members to vote for the Special Permit.

Stephen Kenney (attorney for abutters, Mr. & Mrs. Dexter) asked who the four members are?

RD says it is RD, PC, AM and VD.

S. Kenney mentions that the minutes show that VD wasn't present at the first Hearing when this was opened back in April 22, 1998. He says that the minutes reflect the meeting was opened and there was request for a continuance and there was business conducted and motions made. I think that might be a question for Town Counsel.

D. Donovan mentions the letter that was presented to the Board requesting that meeting be continued.

AM says that we need to see the minutes. If you didn't discuss anything pertaining to the application, we don't have to excuse ourselves.

VD says that we need Lee's opinion.

JK called Lee Ambler and read what was conducted at that meeting and he felt that there was no substance to the petition and that VD can site and act.

Nick Abraham (president of Stor/Guard) says that prior to this meeting Mr. Herr, Mr. Donovan and myself have spoken and apparently there were two matters that were important to the Board. One of the matters was an engineering issue which Mr. Truman of Samiote's will discuss. Mr. Herr explained to us that there were two parts to the engineering issue. One was the depth of the retention basin, and there was some question about that. The other one was a letter to be sent to the Board by a member of Conservation Commission about certain calculations. In a connection with those two matters, our engineer met with Mr. Amory, the Town's engineer and Mr. Amory resolved those issues to a satisfaction and sent the Planning Board a letter indicating that he had done that. The other matter was the issue of certain procedures that our company would take to protect your ground water in this particular area. We have prepared a "Ground Water Protection Procedure" (passed out to the Board and audience) that our company would implement as part of this hearing. The items on this agreement, 5 of which we are certain of. Number 5 we are not sure of. As part of this I would like to submit to you an amendment to our lease which is part of the parcel and proposal. This amendment was at Mr. Herr's suggestion. The first point is that we will require every customer to sign its standard Self Storage Rental Agreement (that we have given a copy to the Board), which in paragraph 6 prohibits the use of the unit for the storage of any volatile, flammable, explosive, hazardous, or toxic substances, including those specifically prohibited in subparagraphs 6 A-G. Paragraph 6 reads "The Space shall be used for storage of personal property and for no other purpose. It is expressly agreed that Operator is under no duty to maintain any records of the property stored. Then it goes on to say what they cannot store. Section A states that they cannot store any Combustible Dust – Fine particles or matters subject to ignition or explosion. They cannot store any combustible explosive gases or any flammable or combustible solids; any flammable liquids; any poisonous corrosive or hazardous substances; or any other items prohibited by law or ordinances and in addition, Mr. Herr has asked us to add a paragraph. We will make the following part of the Lease under item 6F line 3, between "...appropriate governmental body" and "or do any act...". "nor shall any substance or mixture be kept or stored in the space if prohibited from storage within a Water Resource District under the terms of Section 4931 of the Bellingham Zoning Bylaws as currently in effect, that prohibition including but not limited to such presumptively hazardous materials as antifreeze and coolants, bleaches, cleaning solvents, disinfectants, fertilizers, food processing wastes, inks and copying chemicals, liquid storage batteries, oils, many paints and paint solvents, pesticides and herbicides, pool chemicals in concentrated form, stripping compounds, and water and wastewater treatment chemicals." Number 2 of the Groundwater Protection Procedures reads: "Stor/Guard will require each customer to sign a separate document, which reads, "The undersigned occupant of Stor/Gard Self Storage certifies under oath that he/she shall use the Unit in accordance with the provisions of Paragraph 6 of the Rental Agreement and the undersigned occupant further warrants and represents that none of the prohibited items set forth in Paragraph 6 A.-G. shall ever be kept or stored in the Unit. The undersigned further certifies that the attached driver's license

is a true copy of the occupant's original driver's license." certifying under oath that none of the prohibited items described in paragraph 6 A-G shall ever be kept or stored in the unit; and (b) that a true copy of the occupant's driver's license is attached.

VD asked if this procedure is something that Stor/Gard has already been doing?

N. Abraham says no, this is something that we are adding for the Town of Bellingham. The Certificate is something new. We always thought that signing the Lease was sufficient. But, we feel that signing this Certificate is one more thing that we can do for the Town of Bellingham to show that we are going to do everything in our power to protect the Town's water.

VD asked if they have units that are abandoned.

N. Abraham says that happens occasionally. Says that our standard operating procedures is to take a photocopy of their license and to put it with our papers. This Certificate is something new that we are adding for the Town of Bellingham. What Mr. Herr has asked us to keep these Certificates on file for one year, in our office, so that the town Health Agent can come in and check the Certificates. Number 3 of the Groundwater Protection Procedures states that Stor/Gard will employ the use of a 24-hour video surveillance camera to monitor and record all activity within the facility. Number 4 states that Stor/Gard will employ daytime office staff and a nighttime, on-site caretaker to provide around the clock monitoring service. Number 5 is something that we would like to do, but we are not sure that we can do it. While the concept is fine, but weren't sure if structurally that it will work with our building. It is to build a trench in each unit, around the perimeter of each foundation, in the concrete floor. So, if anything spills on the floor, it would go in the trench and there would be a liquid sensor in the trench that would be wired to the main office. A light would go on the panel in the office to indicate which unit liquid would had gone in this trench. We have this as an item in the Groundwater Protection Procedures but added a note stating that "This item is subject to structural engineer's subsequent determination that concrete floor and footing strength and integrity will not be diminished. Number 6 states that Stor/Gard's engineers, with the assistance of the Town's consulting engineer, have designed a detention basin to contain any substance that might contaminate the ground water so it can be removed from the site by a licensed environmental professional. These are the procedures that we will take to protect the Town of Bellingham from any concerns of hazardous material getting into the ground. I believe that we have done everything that is humanly possible to solve the problems. I can assure you that we run a very professional facility and are spotless and well groomed. We will exceed your landscaping requirements.

Andy Truman from Samiote's Consultants. Talks about the drainage on the site. Originally the detention basin at the front of the site exceeded the 5' depth. We have redesigned it, we don't quite meet the requirements and we are requesting two waivers. The first one is for the tree removal on the site and the second is for the free board on the two detention basins. Detention basin 1 we only have a free board of 10" instead of 12". We propose to put an 18" berm around the basin that will give us that extra protection. On the second detention basin we have a free board of 8" instead of 12". We also propose a berm around that as well. The system now is designed that all water run off is kept on the site.

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Stephen Dexter (abutter) is concerned about the number of units and the fact that they are going to wipe out 8 acres of vegetated area. I feel that if they would down size it a little, it wouldn't be such of an impact on my property or the surrounding properties. I asked that a stockade fence be put up and I didn't get an answer.

N. Abraham says that he will put a stockade fence up if that is what he wants.

Richard Merrican (Merrican Engineering) asked if there was any type of security kept for each tenant to try and keep a little more honest to the contract and lease that they are signing? There is really no penalty to the renter to sign the document and go put 10 cases of oil in the unit.

N. Abraham says that our contract specifically says that if our tenant violates the lease and causes damage we have the right to sue that tenant.

WW says that the biggest concern about this whole project is the water in the area and making sure that it is protected. What happens if Stor/Gard sells out and it becomes ownership of another self-storage company? What happens with all the contracts and paper work and Special Permit?

N. Abraham says that we are willing to accept these as conditions of your approval.

AM says that all the conditions of the Special Permit will go with the property.

VD says that she is just concerned about the worst case scenario. You said occasionally you have people abandon these units. If that happened and something got into the water resource district, who would be responsible?

N. Abraham says we would.

VD asked if they could have some sort of insurance policy with the Town to protect the town?

N. Abraham says, yes we could do that. If you would rather have insurance than the trenches. We can't do everything. The interior trenches are probably going to cost \$150,000.00. It is not something that is very cheap.

AM says that she would rather see the trenches in the long run.

VD says that she would rather see both.

WW asked who inspects the drainage while it is being installed on the site?

RD says that it was stated that the engineer that designed the plans inspects and approves and submits an asbuilt.

N. Abraham says that the Building Inspector requires a control person to be appointed for the project and that person is either a licensed engineer or a licensed architect. That control person

runs the job, and visits the job on a regular basis, inspects the installation of every major component on the project and is required at the end of the project, to certify to the Building Department that the project has been built in accordance with the plans. We have already talked to our insurance agent and he assured us that h can provide insurance for the job. There is insurance that we can buy that in the event there is a hazardous spill.

VD questioned the earth removal.

N. Abraham says that he walked the site and there is not much loam on that site. There is about 6" of topsoil through out the property and underneath the topsoil is white sand. One every piece of property that we have every done, we've never striped the property. We use the soil on the property. We would use the loam on the property for the boarders and plantings. I can assure you that we will not exceed 2500 cubic yards.

VD questions the reports from Mr. Amory addressing the comments made from Mr. Merrican. He says that the existing 15" culvert under Hartford Ave. will be rehabilitated, but he doesn't says who will do that.

N. Abraham says that they will do that.

VD asked how many units are in each of the buildings?

N. Abraham says that each building is 60' wide by 124' high and there is roughly 7,000 s.f. per building. There is approximately 60 units per building.

P. Herr says that there is one storage building that is two story and it is the northern most building, in the back of the site. The office building is also two story. There is also a small different looking unit that is probably for the owners maintenance.

N. Abraham says that will be a utility shed.

WW asked how close the next house is to the closest storage building?

A. Truman says that the house is approximately 200'.

S. Dexter (abutter) asked that there be explicit language in the decision about the boundary lines.

WW asked Phil what happens if we do approve this, it goes to land court and the court finds that Mr. Dexter is correct about the property line, then what happens?

P. Herr says that Town Counsel mentioned that the Planning Board, if it should approve this, should include in the decision and approvals for the Special Permit and Development Plan Review language cautioning that there is in fact such a dispute and that the applicant is proceeding at it's own risk.

N. Abraham says that we are not going to buy the property until that is resolved.

S. Dexter says that if they agree not to touch the site until the land court case is resolved, then I have no more reasons to be here.

VD your not going to purchase the property, do any site work or remove any trees, or do anything until the land court case in resolved?

N. Abraham says yes. We are not going to do anything on that property until the land court case is done.

P. Herr mentions the signs on the project. Development Plan Review requests submittal of the sign drawings and they have not submitted sign drawings. This is true about 90% of the applicants. What the Board can do is in the approval of the Development Plan is to write language stating that no sign is to be erected until this Board has seen drawings.

Richard Merrican (owner of Merrican Eng.) mentioned that Mr. Abraham made some comments on whom we represent and whom we don't. For the record, we represent Mr. & Mrs. Dexter, and only Mr. & Mrs. Dexter and no one else has any interest.

AM motions to close the public hearing for the Development Plan Review and the Special Permit. PC seconds. Vote of 4 (RD, PC, VD and AM) WW abstains from voting.

P. Herr mentions that there was discussion that came and went and never got resolved as to whether there should or shouldn't be a stockade fence.

N. Abraham says that if Mr. Dexter wants a stockade fence, we will do it.

P. Herr says that the drawings show dense plantings.

N. Abraham says that we will do both.

RD asked Mr. Dexter what he wants.

S. Dexter says that a stockade fence would help and they wouldn't have to worry about liability.

N. Abraham says that they are going to put a chain link fence because it is more secure, then on the back of that we will put a stockade fence, to make Mr. Dexter happy and then after that we will put the plantings.

VD asked about the trenches?

J. Santos says that the outside trenches are definite, but the inside trenches are questionable due to being structurally possible.

AM motions to direct Phil to draft a Special Permit Decision and Development Plan Review Approval with all discussed conditions for Stor/Gard. PC seconds. Vote of 4 (RD, PC, VD and AM) WW abstains from voting.

HARTFORD VILLAGE – SPECIAL PERMIT – DECISION ENDORSEMENT

Joe Antonellis, attorney for Brad Wright submits to the Board a plan. The plan showing a black line that is being the inclusion of the 48-unit project. It is the plan that was shown to the Board all along with the configuration of the houses except now you see where the walkway is going to be. The septic system will fit within the parcel that is there. The idea in the future would be, if sewer ever went by and this project got hooked up, then the area where the septic system is now would go to the future parcel. I am comfortable with the restrictions that Mr. Herr had put in the decision. All we are asking is that included in the decision there be allowed a subdivision of the parcel as shown on the plan that we can attached to the decision. It is my clients understanding that no other building can take place on this property in any shape or form without the approval of this Board after another a Special Permit, and in this case, Town Meeting approval.

P. Herr says that they can build anything except a dwelling unit without Town Meeting approval.

J. Antonellis says that the answer to the Planning Board relative to the 26' layout and the appropriate question about ordinarily with Subdivision you would have a 50' layout. I think that is our tuff luck. My client recognizes that. The back parcel has to be a compatible use that can access it on a 26' road that is not over burden the traffic and all the safety concerns.

SC questioned the parking.

P. Herr mentioned that he spoke to the engineer today about the parking. The issue is that they are counting on is parking cars of visitors in the spaces on the road that is just about 20' long. It doesn't really quite work.

J. Antonellis states that he feels that those are questions that come under Development Plan. The only question I have is that if we were to every subdivide the property, this is the way we would want to do it as shown on this plan that should be attached to the decision.

WW asked if they could put in a separate parking area for visitors?

VD mentions that the only answer would be for this project to be less dense.

P. Herr says yes, that is correct. Also, the Board mentioned that they wanted a path system to provide circulation among the units and to Hartford Ave. What you got was a walking path that goes around the perimeter of the project and doesn't go within the units.

SC questioned the size of Parcel C, which is where the septic system is. Does it fit within that parcel?

P. Herr says that it does.

WW asked about the job in the lot line up top and why we can't just draw it straight across?

VD mentioned putting the overflow parking over there after you straighten that lot line out.

P. Herr says that he revised the decision to reflect the last meeting and what it says is, "no subsequent division of or additional uses within the 14.12 acre parcel shall result in less than 6.27 acres being retained for the exclusive use of these 48 dwelling units as illustrated in the 11/4/99 Site Plan referenced above. If you would like to have that line go straight across and he is willing to do that, then we would change the words a little to reflect that.

WW I think that if you take that little chunk of land and add it to the front, it would be better. Then something could be done.

P. Herr agreed.

J. Antonellis says that if the Board were to vote tonight to change that lot line and endorse the Decision with that change, then that is what I will walk away with.

PC motions to approve the decision for Hartford Village Special Permit with the lot line changed as discussed per the Site Plan attached to the Decision and the wording changed to reflect that lot line on Page 3 of 6 "C" section 2. AM seconds. Unanimously vote of 5 (RD, PC, VD, AM and WW).

P. Herr mentioned to Atty. Antonellis with regards to tree locations and asked if they would please be noted on the plans for Development Plan Review.

WESTON ESTATES – DEFINITIVE SUBDIVISION – BOND POSTING

AM abstains and leaves the room.

John & Gerry Lorusso comes before the Board to post a bond on Weston Estates.

RD wanted to point out the letter that was received by the Board from Don DiMartino, Director of the DPW and he was bringing up the question if the workshop that was held pertaining to bond posting on streets and so forth is in effect immediately? I think that it has come to this Board's decision that it is in effect immediately. The money posting part of the workshop. It was all pertaining to the Form J and the line items being brought up to prevailing wages.

Gerry Lorusso explains that he has talked to Don DiMartino because he was uncertain on a couple of numbers he had given me. He said that I should ask the Board and see what they think. The first question in Don's letter was the two year for the extension. Is it when the endorsement of the plan was 12/23/98 but the approval was 3/12/98. When does the two-year time period take place? As a Developer, I cannot develop that land unless the plans are endorsed.

P. Herr says that the Certificate of Approval should say that all construction shall be complete within 24 months of this date.

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JK reads part of the Certificate of Approval that states "construction of all labor and installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Planning Board within a period of 24 months from this date". Which is 3/12/98. The plans were endorsed on 12/23/98.

P. Herr says that it is 24 months from the date of the approval. If now, you think that is too short of time, then the Developer should ask for an extension.

G. Lorusso doesn't have a problem asking for an extension.

P. Herr says that in relation to the Bond. The bond should have in it an equation factor that is keyed to when it is that the road has to be complete.

John Lorusso says that is covered in the bond. It went from 6% to 9%.

RD reads a paragraph from Don DiMartino's letter dated 11/9/99. It says that "Mr. Bailey notes in the Form D1 indicates that the project is supposed to be 100% complete by March 2000. This is two years from the date of the approval. This is unrealistic as work did not actually start till Spring of 1999 and cannot be properly finished, even on Penny Lane alone by March 12, 2000. Therefore, I suggest the Developer petition the Board for an extension. I would support an extension until July 2001. This would allow the majority of heavy trucking for house construction to be completed in a fair and reasonable time frame. Assuming you agree to the extension of 2001, I have used a 1.5 year on the application.

G. Lorusso says that he doesn't have a problem with that. We are 85% complete on Penny Lane. All that is left is sidewalk, berm, bounds, top coat, and grass strips. I would like to go over the bond. I have pulled two previous bonds in town to use as examples. I agree that the Town should hold more money just in case that the Developer doesn't complete the project. I agree with the state prevailing wage amounts. Don added \$25,000 for the water loop. Prevailing wages, to finish Penny Lane is \$29,531.00. If you add \$25,000.00 it totals \$54,531.00, then you add 10% for construction management = \$5,453.00, your maintenance is \$1,090.62, contingency is \$5,453.00 which totals \$66, 527.00. Your 9% due to the completion time is \$5,987.00 giving us a total of \$72,514.00. Don comes up with \$135,000.00. That is quite a big difference, \$62, 699.68, over prevailing wages. Don has \$10,000.00 for a punchlist. He even said that he is guessing on the Punchlist. He mentioned that \$5,000.00 would be okay. He put \$20,000.00 for Bid and Award. I have been a developer for 15 years and it doesn't cost that much to bid and award a project. Penny Lane is 85% complete. I consider that extremely high, \$20,000.00.

RD notes the punchlist. In Don's note is says "at punchlist items for Form J using \$10.00 per foot of the roadway with a \$5,000.00 minimum." Also, "add a Bid and Award (or contractors procurement) item to the Form J list. 20% of the remaining work with a \$10,000.00 minimum. We have a construction management 10% mark up listed on the Form J Guarantee Price Estimate Form. That should stay to cover inspections and this should be added to pay for procurement."

G. Lorusso feels that the \$20,000.00 is extremely high. I agree with all the line items except for the \$10,000 for the Punchlist and \$20,000 for the Bid and Award.

VD asked Ted Bailey if he could comment on the \$20,000.00 line item for Bid and Award?

T. Bailey says that in the letter from Don regarding the minutes from the Workshop, item #4 says "20% of the road cost was discussed at the meeting with a minimum of \$20,000.00. I have reviewed this, and 20% is too high. I will ask a consultant for input of an actual cost in the future. I would suggest that you use 10% or \$5,000.00 minimum."

G. Lorusso asked what the punchlist was?

VD says that it is unexplained, unexpected items that are not on the Form J.

WW asked if the Punchlist was reduced to \$5,000.00 and the Bid and Award was reduced to \$5,000.00, that would save about \$20,000.00 which would bring the bond down to \$115,000.00.

VD says that Don suggests using \$10,000.00 for the Bid and Award.

G. Lorusso says that he even says that he wasn't sure.

VD says that however we treat these guys we have to treat the next the same way. I feel that the \$20,000.00 should be reduced to \$10,000.00, not \$5,000.00.

RD asked what the \$10,000.00 is going to get the Town when the road is already 85% complete?

VD asked Ted Bailey to comment on that.

T. Bailey says that \$5,000.00 would be enough money for the Bid and Award.

WW motions to retain a bond in the amount of \$115,000.00 for Weston Estates (Penny Lane) from Lorusso Construction. PC seconds. Vote of 4 (RD, PC, VD and WW). AM abstains.

PC motions to release lots 1 through 8 for Penny Lane on Weston Estates and Jill to hold the release pending copy of the Passbook showing the bond of \$115,000.00 being put into an account with the Town of Bellingham. WW seconds. Vote of 4 (RD, PC, VD and WW). AM abstains.

AM returns to the meeting.

81-P SUBMISSION – 17 GABY LANE

Lorraine Purich, owner of 17 Gaby Lane submits plan to revise a lot line d pays the fee of \$10.00.

P. Herr explains that this plan doesn't create a subdivision and is okay with him to endorse. They are taking land from one pre-existing non-conforming lot and putting that land with another pre-existing non-conforming lot.

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PC motions to sign the 81-P plan for 17 Gaby Lane. VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

BRAD ALAN – INFORMAL DISCUSSION

Brad Allan comes before the Board to submit an application for a 12-lot cluster subdivision off of Blackstone Street on a cul-de-sac with open space. We did the plan and preparation work consistent with Zoning Regulations for the open space.

RD asked where the detention area is?

B. Allan says that it is on the back of one of the lots.

RD asked why they wouldn't put it in the open space so it isn't on one of the lots?

P. Herr says that I think you can keep it out of the buffer zone as well as keep it off of the house lot.

B. Allan says that he would prefer to do that. That was a good suggestion. I will look into that instead of putting the detention pond on the house lot.

The Board discussed a hearing date and January 27, 2000 sounded like all members would be present.

P. Herr says that if the hearing date is not going to be until January 27, 2000. Taking your first look at these materials and you have already saw things that could change. Does it make sense for them to revise the drawings and then submit?

JK says that everything needs to be submitted by January 7, 2000 in order to hold the hearing on January 27, 2000.

B.Allan says that he will give Phil a copy of everything he has tonight and then once he has a complete submittal he will then submit for a hearing of January 27, 2000.

81-P SUBMISSION – GUADET – ESSEX STREET

Tim Gaudet submits an 81-P plan for land located at the end of Essex Street to be endorsed by the Board. I live in Blackstone and own land that abutts it in Bellingham and I am going to sell a piece. The way I am recorded now, the parcel that I'm trying to sell is recorded both in Worcester and Norfolk counties. I was told that I had to draw a line splitting that parcel on the town line.

P. Herr makes comment that it is not clear and very involved and needs to be looked at a little closer.

RD reads a letter dated September 15, 1997. To whom it may concern: The property at Map 94 Parcel 17 is considered a buildable lot in accordance with the Bellingham Code of Bylaws

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Division 11 Zoning Section 2530 Isolated Lots and Subdivisions. The above mentioned lot has 15,000 square feet of land and has frontage on Essex Street which is an accepted Town road.

P. Herr says that he can't see a quick way to resolve the questions. I will take it back to my office, try to sort it out and give Mr. Gaudet a call.

MINUTES ACCEPTED

VD motions to approve the minutes of 10/14/99 meeting with a revision that after every vote AM Absent is inserted. AM seconds. Unanimous vote of 5 (RD, PC, VD AM and WW).

GENERAL DISCUSSION

AM abstains.

JK submits to the Board a letter for Hixon Farm Estates requesting an extension for completion of the project. There is still money being held on this project and Don DiMartino says that he is okay with this request.

The Board agrees to sign the letter.

P. Herr asked about the Rules and Regulations that were discussed to be changed at the Workshop. He asked who was going to draft the changes and if someone could check with Don DiMartino?

JK says that she will check with Don to see if he was going to draft the changes.

WW moves to adjourn at 11:35 pm. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).



Richard V. Dill, Chairman



Paul Chupa



Valerie J. DeAngelis



Anne M. Morse



William M. Wozniak