

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

February 10, 2000

Meeting commenced at 7:00 pm. All members were present. Minutes recorded by Planning Coordinator Jill Karakeian.

GENERAL BUSINESS

AM passed out a copy of a form from the Planning Board in New Hampshire as an abutter and thought it was interesting. The specifically didn't let you talk unless it pertained directly to the application. At the end of the meeting, everything has to apply. They have a Planner and that makes things run quickly, efficient and smoothly.

RD says that it seems that a lot of our time gets wasted. Example: Jerry Lorusso called me today about his development at Bellingham Shopping Center. He said that they were on for tonight's meeting, and wanted to know what needed to be done and where it was going and so on. I asked him if he had spoken to the Independent Engineer that the Town had hired? He said that he hadn't heard anything and Jill said that she hasn't heard anything yet either. That pretty much means coming to the meeting tonight was a waste of time. I told Jerry that his engineer should get together with the Town's Independent Engineer and get all the issues taken care of and copy Phil Herr on the correspondence so that Phil can comment as well. Jerry said that he called Phil and Phil said that he was not to talk to Jerry or the consultant without a vote of the Planning Board. I thought that was strange.

VD says that he talks to people all the time, I don't know why he would say that.

RD asked, when Engineers come in front of the Board, does the Board want them to get up there and do their 20 minute to half hour presentation while we have Phil and an Independent Engineer that reviews and knows most of what the presentation is about?

AM feels that there is some people that are in the audience that knows what they're talking about.

RD says that I'm not talking about the audience. We will always open it up for conversation and questions.

VD says that she feels the presentation is important and they should do that. Even though we are not all knowledgeable about it, there will still be questions. A lot of the time the applicant will push to get on our Agenda because they say all the information will be available and commented on and then it doesn't happen like they thought it would. That is out of our control a lot of the time.

AM says that when the town had an engineer it really helped. We didn't see an application until it was right.

RD says that a lot of the time there is a lot of little stupid things that are left off of the plans.

WW mentions that Blackstone Fields that are on our Agenda for tonight has a long list of outstanding items from Phil that should be sent away and not waste our time until these items are taken care of.

RD says that is what should happen. If they are not ready they should be turned away and continued so nobody's time is wasted.

JK says that she just got Phil's comments on Blackstone Fields today.

RD says that if we don't have correspondence 4 or 5 days prior to the meeting then we are not going to discuss and waste time. We need to talk to Phil and ask him as well how much time he needs to review things so we can set the guide lines around him.

WW mentions the Procedural Rules and it says "Meeting Agenda: except for emergencies all persons wishing to meet with the Board shall make appointments to do so through the Chairman or Secretary no later than noon on the Monday preceding the date of the meeting. Providing information regarding the subject matter to be presented or discussed.

JK says that she asks for this the Friday before the meeting, because she mails the Agenda's out on Friday. She asks the Board if they received a copy of the letter Phil drafter to Secretary Durand regarding Maplebrook Commons.

The Board has received and reviewed the letter.

WW motions to send the letter to Secr. Durand regarding Maplebrook Commons. AM seconds. Vote of 5 (RD, PC, AM, WW and SC). VD abstained.

The Board signed clerk and stipend payroll and invoice for postage.

COUNTRY CLUB ESTATES II – SIGNATURE OF LANDCOURT PLAN

JK mentions that Roger Gagnon called and said that he need a Land Court plan signed and that it is just like the Subdivision plan that the Board approved except it is on rice paper except mylar paper. I told him to bring in a copy of the original plan signed so if the Board had any questions both plans would be here.

RD mentions that he has spoken to a few people regarding Land Court filings and the Land Court require rice paper filings as apposed to mylar paper filings.

Al Florentz of Bibeault & Florentz presents to the Board a Land Court plan to be signed. He said the land stayed the same and we recently came in for an amended drainage plan. The lots haven't changed.

RD makes a comment that the two plans don't look the same.

WW makes the comment that, how can Board members sign this plan when they didn't sign the original one?

A. Florentz says that just the drainage is amended. The lots are all the same.

AM says that you can vote to sign this one.

RD says that he doesn't know if we can sign this or not.

VD says that if the plans looked exactly alike, then I would says that we could sign it. But, there are differences.

A. Florentz says that the lots shown are as they are today. To file with Land Court I have to file on this kind of paper and show them the A lots. We are not changing anything. The copy of the mylar that I brought is an amendment to a Land Court plan.

AM says this sounds like it is another amendment and I think that is why people are having a problem signing this. I recommend that we send this Phil and ask his opinion.

A.Florentz says that it is the plan that Land Court wants. It is the same plan. It just shows Empire Circle as an abutter. All the lots are a little different due to calculation. We had to do closures and that is why the square footage on each lot is a little different. The distances should be the same. These lots are already shown on the assessor's map.

Jeff Gagnon explains to the Board that he can't go anywhere with the project until this plan is recorded in Land Court.

RD says that he doesn't want to hold the project up, but I don't feel comfortable signing this plan.

A.Florentz says that I have to do closure's on each lot and the lot area comes out a little different, that is what I have to send to Land Court. All the lots are the same.

J. Gagnon explains that he can't close on any construction loans until this plan is recorded with the Land Court. These lots have all been released.

A. Florentz says that there was a Land Court done before and they needed another one. So we needed to go in and tie in all the old Land Court bounds that we found. We needed to calculate it and give them a closure and this is it. We showed it to them and they said okay, get a mylar and submit it. We had to tie it in to the old Land Court bounds and we had to do it the best we could.

RD asked what we are revising on a plan dated 2/7/00?

A. Florentz says that I put the bounds on it and some other information that Land Court wanted. WW says that then all you need is a motion to accept the amended plan because it needs to be signed anyway.

PC motions to sign the amended plan for Definitive Subdivision of Country Club Estates II dated 2/7/2000. Vote of 4 (PC, VD, AM and WW), 1 against (RD).

The Board asked JK to send Phil a copy of the plan that was endorsed and a copy of the original plan and ask for his comments.

BLACKSTONE FIELDS – SPECIAL PERMIT & DEFINITIVE SUBDIVISION – PUBLIC HEARING

WW motions to waive the reading of the ad for Blackstone Fields Special Permit and Definitive Subdivision public hearing. VD seconds. Vote of 6 (RD, PC, VD, AM, WW and SC).

Frank Gallagher of Gallagher Engineering is before the Board to present Blackstone Fields Special Permit and Definitive Subdivision.

WW asked if we were going to go forward with the presentation?

RD says that he didn't think so.

SC asked if he was going to sit on this hearing?

VD says that it has to be mentioned at the beginning of the hearing.

AM didn't think that he could unless somebody wasn't going to sit on it.

VD says that he can sit and if anyone misses a meeting, then there is still a five-member board.

WW mentions that when it comes time to vote and he is not needed, then he doesn't vote.

RD mentions that Phil made note that he has not received a copy of any comment letters from Town Officials. RD asked T. Guerin if he automatically comments on all applications or only per the Board's request. It would be my request that you comment.

T. Guerin was okay with that.

RD says that the Board has in front of them, four pages from Philip Herr of things that he is not happy with on Blackstone Fields. I think that it is this Board's decision that it is not our job to sit here and review every single incorrect items on the prints. At this point and time, I think that we would ask that you get with Phil Herr and correct the problems. RD asked the applicant why the DPW only got three out of the eight sheets of plans?

WW asked if the Town Clerk got the correct plans?

F. Gallagher says that he didn't deliver them himself but someone from his office did and he didn't know for sure whether or not there was a mix up. DPW was still able to conduct a review.

WW says that it doesn't matter. He had to go to the Planning Board's office and look at those plans to get some type of letter for tonight's meeting.

VD mentions that Don DiMartino didn't review it in detail. The big thing is that the Town Clerk got what plans in full she was supposed to get.

AM says that the risk is on the applicant.

Marylou Corriveau (abutter) says that she went to review the plans at the Building Inspector's office, because that is where it says to go in the ad in the newspaper and they couldn't find the plans.

VD says that if the applicant is willing to go forward at his own risk, I don't have a problem with that. I don't want to go over each one of the items piece by piece. But, I think that the abutters are here and the applicant is here and they can review the plans. When did you distribute the plans to Phil's office?

F. Gallagher says that he has had them for quite some time. I don't know exactly when. I believe when we came in for an informal discussion, I gave him a set of the plans and data then.

RD asked if the applicant wasn't to start discussing the project or if they want to continue to our next meeting and make sure that everyone that needed to get plans for the right plans?

WW motions to continue Blackstone Fields Special Permit & Definitive Subdivision Public Hearing to March 9, 2000 @ 7:30 pm. AM seconds. Vote of 6 (RD, PC, VD, AM, WW and SC).

**RE-ZONING OF LAND ALONG HARTFORD AVE. AND ROUTE 495 FROM
INDUSTRIAL TO AGRICULTURAL – PETITIONER: Conservation Commission –
Public Hearing**

WW motions to waive the reading of the public hearing notice. VD seconds. Vote of 5 (RD, PC, VD, AM and WW).

Cliff Matthews presents to the Board the re-zoning of land. He mentions that he is in receipt of Phil Herr's letter in response to this.

AM asked for an idea of where this is exactly.

C. Matthews points out on the map what area is to be effected by the rezoning. It goes along the agricultural zone along Hartford Ave.. Our concern is the parcels involved are zoned Industrial which allows a lot of activities to take place in this zone and we don't feel that is appropriate for an area that has a town well on it. Especially that it is in a water resource district as well. Phil had a question as to an actual layout of parcels to be affected by this. We have put together 6 assessor's maps outlining the parcels to be re-zoned as recommended by Phil.

PC had concerns that people bought parcels of land in this area because it was Industrial and now you want to change it to Agricultural. They are probably going to loose a lot of money.

T. Hilliard (owner of parcel effected) mentions that his property is under a letter of agreement and if the zone gets changed, then my parcel won't be worth what it is worth now. Asked if the Board realizes that it being Industrial zoned, you have much more power to keep that under control.

RD says that the Board does realize that.

Atty: Robert Creasia (representing Mr. & Mrs. Nally, owner of parcel effected) mentions that the Nally's are also in a Purchase & Sale Agreement where they stand to profit from the sale of their land. How would the Town address the potential of this being an eminent domain type taking.

AM mentions that this has to go to Town Meeting acceptance. We only recommend or not recommend it. We don't physically do this, the people do it at Town Meeting. This can go forward to Town Meeting with this Board not recommending.

Ray Torell (owner of N. E. Mobil) and my property sites along Route 126 and across from the entrance to Maple Street. About 13 years ago I relocated my business from Milford to this location. I'm concerned because this would cause a considerable hardship on my business. I'm concerned that the Wal-Mart and Staples Plaza is also in Industrial land and I don't know how you can turn all of our property to Agricultural and not touch that parcel. That is discriminatory.

VD mentions that she doesn't think this change would effect N.E. Mobil because you will be pre-existing.

RD asked how it would cause N.E. Mobil extreme hardship?

R. Torell says that he is looking to increase his business, expand and anybody how would want to invest in my business would be a fool. You are locking me into what I have with no option to expand.

AM says that is correct. You would be pre-existing and should you want to add on you would have to go to the Zoning Board of Appeals for a variance.

Richard Langley (representing mother that lives on Hartford Ave.) says that is a lot of land that you are trying to protect. The majority of the property runs along Route 126 and most of the people that would be directly effected from the value of their properties. If the idea is to protect the wetlands and aquifers, why not put aside the large parcel for re-zoning so the people along Route 126 are not effected?

C. Matthews says that the whole area is in a Water Resource District and this whole area originally was zoned Agricultural. It is just our proposal to re-zone it back to Agricultural.

RD says that as mentioned earlier. The decision of the Board is to recommend or not recommend to go to Town Meeting. The Town's people are the people that will end up voting on this. This still can go to Town Meeting for a vote. We can turn around and not endorse but it can still go to Town Meeting.

Bob Badzmierowski (resident of Maple Street and elected Constable in the Town of Bellingham) says that I highly favor rezoning it because we do need to preserve some land. But, I really think we need to look at the whole picture. It could be a win-win situation to everyone involved. Some people have some money that they can make here and Ted Hilliard wants to build a little strip mall. Is there another way we can look at this re-zoning to not effect the people along Route 126?

Ken Daynard (represents land-owner along Route 495) which we had engineered and designed (pointed out on the map) and our architect has designed a plan for over 100,000 square feet of industrial building. We haven't started construction or the permitting process. We purchased this land with the intent to build industrial property. That would be a substantial hardship if we could only build 2 acre zoning 5 or 6 houses.

Mrs. Nally (resident on Hartford Ave. effected) says that she has been doing a little research, and from what I have read. Just the character of our neighborhood, your excluding the Wal-Mart plaza. I feel that property rights, from what I understand is my constitution, exceeds any government interference or seizure of private property is against the 14th Amendment without due process of the law and also against the 4th Amendment.

Atty. Bart Malloy (represents Varney Bros. Sand and Gravel) we are effected by this proposal in several major ways. The Varney Bros. Family and cooperation own 10 acres of land at the northern most part of the map on the other side of Farm Street and goes into Medway. I see several major problems with the proposal. First, I haven't heard any scientific evidence supporting the presumed danger to the water. We want all good clean water, but we also must ask what is the danger sought to be protected and is the remedy that they are seeking too large for the purpose for which there may be a danger. What we are hearing today is that they are seeking to re-classify Industrial property that is almost a mile long to protect a well that may or may not be threatened. I believe Mr. Matthews said that they want to protect against activities which may not be appropriate. That is entirely speculative. So, we don't know if there is any danger at all. If there is no danger, then we have to, I think, tread very slowly before we make such major changes in the Zoning of this area. It is called spot zoning, when you take an area and you arbitrarily change it and it is absolutely illegal.

WW says that it is not spot zoning. The northern most part of this part is Agricultural and all you are doing is incorporating a larger parcel of land into Agricultural. The only part that would be spot zoning is the cemetery.

Atty. Malloy mentions that his third issue of course is the issue of economic devaluation of the property. The Varney people, first land was taken to put in Route 495 and then taken to put in the wells has held onto this property for over 40 years. They like the other owners in the Town have a legitimate economic interest in preserving their rights. I think that this Board and all Boards have recognized that.

RD mentions that Mr. Malloy's second interest was answered by WW about not really being considered spot zoning. I would like to address the first issue where you talked about business impact in that area. In that section, not to long ago, there was a proposed business that wanted to go in there and I know, for myself, voted against it due to the possible impact that the business could have had in that Water Resource District.

Atty. Malloy asked at a minimum that the Board would suspend this hearing and get some scientific evidence or backup which than can be reviewed by others before a final decision is made.

WW questioned the parcels that are outlined on the map for rezoning and asked if they could draw the line across?

C. Matthews says that if we didn't follow the lot lines then the parcel we were looking to rezone would have to be surveyed, and the Conservation Commission can't afford that.

AM says that she believes that the Board does have control and is clearly evidence by the Stor/Guard application. We do have controls right now under the current zoning. I feel that if we do change it to Agricultural, then how would we control it.

SC asked Conservation is they would have a problem excluding the section along Hartford Ave. and leaving that zoned Industrial?

C. Matthews explains that he would have to check with the Commission before he could answer that.

VD suggests that the Board sends a letter to Town Counsel and ask him for determination of the Town's liability.

AM motions to continue the public hearing for the re-zoning along Route 495 and Hartford Ave. presented by Conservation Commission to March 23, 2000 @ 7:30 pm. WW seconds. Vote of 5 (RD, PC, VD, AM and WW).

**SUGGESTED SUBDIVISION REGULATION CHANGES – DON DIMARTINO –
INFORMAL DISCUSSION**

Don DiMartino presents to the Board his suggestions for changes to the Subdivision Regulations and passes out a layout of the changes with Phil Herr and Ted Bailey's comments. He proceeded with going over each line item. I went in the direction of coming up with absolutely everything I could come up with to strengthen our regulations. First item is:

1. Amend the paragraph 272. Security. It presently reads 15% of the total cost of street construction. We raised that to 20% and the new draft would be, 20% of the total cost of all proposed roadway construction work necessary after clearing, grubbing and rough grading.

VD asked if that was the percentage that was discussed at the workshop?

D. DiMartino says that there were all sorts of different numbers thrown around that that workshop. What this percentage is, it comes up to a consistency what will be the Form J amount. It is what I'm calling the minimum security. If you look to page 3 or 9 where it talks about the security amount. We are deleting the paragraph and putting in, If the developer wishes to secure completion by establishment of a performance bond or security deposit, or amend a performance bond or security deposit, he must submit in writing request for security amount determination to the Board with a copy to DPW Director. The Board shall schedule a public hearing no less than two weeks from the date of receipt of the request. The developer will pay for the costs associated with the hearing. The DPW Director will complete a "Guaranty Price Estimate" (Form J), and submit it to the Board, with a cover letter, suggesting the security amount necessary to cover project completion, prior to the hearing. Phil had asked if need to have a hearing? I replied yes and I deferred to Town Counsel. Item A: talks about using the Mass. Highway Department item numbers and values. That we get an updated copy every year from the state. Item B: talks about inflation multiplied by the numbers of years on the Form J and the submittal date. Item C: changes so we only have one contingency on the Form J. The Form J will include a line item with a contingency that is equal to 20% of the total cost of roadway improvements and then again after the completion it is the same 20% but no less than minimum security. The items to cover miscellaneous clean up, minor repairs, engineering costs, contractor procurement, deed preparation and one year maintenance. On the minimum security (this is one I added) shall be \$40,000.00 as of February 2000. At 20% it is roughly a 1000 foot roadway.

WW asked if this would hurt the little guy?

D. DiMartino says that it is a security. Funds are being held. Anybody has to get better bank support, or better financing.

WW says that on a 3 or 4 lot subdivision a bank isn't going to go ahead and give them extra money just because the town requires a certain amount of money. I think that it is a little unfair to the smaller guy.

D. DiMartino says that if you think the minimum security is to excessive, then tell me where to go with it.

RD asked if that was something the Board could waive?

D. DiMartino says that the Planning Board sets the security anyway.

RD says that we seek the recommendation from the DPW for the security. If we choose to alter that, then we are at our own fault.

VD I think you are better off to set the rules the way you want them and live by them for everyone.

AM agrees.

D. DiMartino says that the minimum has been 15%. We are only increasing the minimum that we are going to hold by 5%. It now also gives a minimum dollar value as well.

WW says that I just think it is unfair for the smaller developer.

D. DiMartino explains that the only thing our guy can do is observe. All he can do is tell me, tell you and tell us that they are messing up. One of the other items I have here would require the DPW to sign off on the building card verifying that the developer has not caused any damage to the roadway or facility since the performance bond of security was established. In order to establish that we need to pass a Bylaw.

VD feels that, that makes sense to have than not enough. One town department giving an extra check on another town department.

RD says that we should stick to the minimum security issue. What do we want to do?

VD says that the experience that this town has had with subdivisions. I don't know if \$40,000 is too much. But, I would rather hold too much money and not enough. If we had \$40,000 extra money for Brookside, then we would be all set on that project.

D. DiMartino says that we don't want to have the money to finish the project. We want to have enough money that they finish it. Lets go through the rest of this and then go from there. We still need Lee Ambler's comments. The next item is related to the personal guarantee. The Developer must submit a signed and notarized document which explains the entity.... It is just that matter of knowing who owns the subdivision.

VD says that we really need to hear from Lee on some of these items.

D. DiMartino agrees. We changed the two year item in the E-1 to be consistent with the time frame in the D-1. The Developer must deliver to the Board a signed notarized document Personal Guarantee that the development will be completed..... The next one, I feel is important, should a subdivision be sold or transferred to any other party, it shall be considered an amendment to the subdivision approved by the board, therefore, all transfers that effect the personal guarantee have to be submitted to the Board for approval as with any other amendment to an approved plan.

VD says that if they sell just a lot, then this will not come into play. I think this is contingent to the personal guarantee. Would it require advertising and a public hearing?

D. DiMartino says yes, just like they were amending the subdivision.

VD says that she feels that is a little much. I think making it a requirement to have them come back into this Board, but advertising and notifying abutters is a bit much.

WW asked who would ever catch that?

D. DiMartino says that it is part of the regulations, they are supposed to call me before they start construction. As soon as I see that it is a different person, I can kick it to the Planning Board for review before they start construction. They are supposed to send me a certified letter a month before they begin. That has always been like that.

VD asked what would we do at this amended public hearing? This person will come in and let us know that he bought this subdivision?

D. DiMartino says that it won't be a lot different than what the Selectmen do with people that change liquor license. It just gives the public a chance to know what is going on.

VD says that I'm not saying that we shouldn't do the public hearing part for the amendment, but notifying all the abutters seems to be overkill.

AM agrees.

D. DiMartino says that this part is roughly written on what Lee and I had a conversation about. I think we really need to hear on Lee with this one.

The Board agreed.

D. DiMartino says that another item that I handed out is the Form J. Page 3 of the Form J gives a list of the items that are all Mass. Highway items. The next item is about streets. What this item does is add a 1" overlay over the base course of the roadway. My feeling is that the 2" binder can get pretty well beat up, depending on the time of year they are building the lots. I would like to have them come in with a leveling course that gets the road back to a nice crown before they put the final coat on. I personally don't feel that 4" of pavement isn't too much. This is going to give us a better road in the end.

WW says that we can't make it too tuff, where people aren't going to want to build in Bellingham.

D. DiMartino says that he would rather see us lessen something else and keep the depth of the pavement at 4". I think that it is a better product. The next item has to do with the Water Resource Management plan. Anything that comes in the jurisdiction of the water resource area has to file with the Conservation Commission. It says that they have to build things that not only hold the water so it doesn't flood the next property, but, also deals with cleaning the water and trying as much as possible to recharge it into the ground water. The next section talks about a street sign and NOT A TOWN WAY sign. This will tie into with the Selectmen's policy to no longer plow unaccepted streets. We will plow any street that we have ever plowed before, but we

will start with any new developer that comes in. The developer will also be responsible for maintaining the sign.

VD asked how it is going to be enforced? Can we actually keep track of these things, so that the Building Inspector's office doesn't issue building permits.

D. DiMartino says that the Building Inspector has to go out there to inspect for a final and if there is no sign. It shouldn't be that hard to enforce. The next sections talk about construction phasing. It says that the developer may submit a written request to construct the subdivision in phases. The request must be detailed of the construction to be proposed. There is another item that talks about completing water and sewer installation. There are revisions to cross-sections. There is also wording that says no lot shall be built upon or conveyed until all water, sewer and drainage facilities for the entire subdivision are installed, tested and approved. Phil felt that was a little too excessive, so I changed to say that water mains that service the phase must be completed including pipe loops (no temporary dead end water main pipes shall be accepted), all sewer facilities need to transport wastewater from any lot in the phase to the Town's sewer system, and all drainage facilities that accept stormwater run off from any lot or paved surface in the phase are installed, tested and approved, all streets or ways are surface with at least a 2" binder course of pavement..... My main concern is that the loop gets completed should they walk away before the next phase and the detention basin gets completed.

WW asked if that was possible in all cases?

D. DiMartino says yes, it is possible. I feel very strong with this issue as well. The next item is where we talk about setting a completion date. The construction of all ways and installation of all water, sewer and drainage facilities shall be completed in accordance with the applicable Rules and Regulations of the Planning Board within 24 months of date the initial performance bond or security deposit is established for any approved phase of construction on which buildings have been occupied. If the said construction is not complete the Board will consider the developer to have abandoned the project and will send written notice to the developer by certified mail giving the developer 30 calendar days to appear in person and present a project completion schedule.

VD questioned the reason for putting 24 months of date of the initial performance bond or security? When we talked about based on the E-1.

D. DiMartino says that this is amendments to the E-1.

VD says that I think it should say within 2 years of the date in the D-1. D-1 is the approval.

D. DiMartino says that is fine. We will change it to say two years from the time frame in the D-1.

VD says that the D-1 is the approval and the performance bond is not put up at the same time. There are two separate time frames.

D. DiMartino says that he will clear that up.

VD says that where you say no lot shall be built upon or conveyed until. What if it was no occupancy permits could be given with regards to the water and sewer being completed.

D. DiMartino says that he doesn't have a problem changing it to occupancy permits, but we need to pass a bylaw change.

SC mentions that in some instances, developers will convey the lots to different people to build their own homes. Everyone would be sold before the road is complete.

VD agrees.

AM mentions that maybe they have to convey the lots to get the money to finish the road. You can't be unreasonable.

D. DiMartino says that what was said about specifying that no lot shall be built upon or conveyed, is in the D-1 now. That is not an addition. I'm just specifying what needs to be complete prior to that.

The Board was okay with that.

D. DiMartino says that the next page gets into where the Planning Board gets into specifically saying what needs to get done and I've added a bunch of stuff. All driveway aprons shall be surfaced with a 2" binder course of pavement, and construction so that the elevation of the driveway apron at the property line is approximately 6" higher than the elevation of the roadway binder pavement where the apron connects to the roadway surface for the lot that is to be occupied. All sidewalk construction fronting and all sidewalk construction fronting abutting lots to be occupied shall be surfaced with a 1" binder course of pavement. The next item is grading and all grading needs to be done that is approved on plans. As well as tree, stumps, brush, blasted rock or other debris created by the construction of the public improvement must be removed from the lot that is intended to be occupied as well as any abutting lots. The DPW must sign off on the building card verifying that the developer has not caused any damage to the roadway or facilities since the performance bond or security deposit was established. There are items on the last page that Phil had suggests be amended because it is not really used.

RD asked if the Board could review and consume this information and slate it for under general business for our next meeting and discuss any changes.

D. DiMartino says that there are only two items that have to go to Town Meeting for amending the bylaw. I will draw those up to be submitted.

JK mentioned that March 9, 2000 @ 8:00 pm would be the next time to meet on this.

The Board and Don DiMartino agreed on that time.

**BELLINGHAM SHOPPING CENTER – SPECIAL PERMIT & DEVELOPMENT PLAN
REVIEW – PUBLIC HEARING – Continued**

Jerry Lorusso requests to continue the Public Hearing due to there only being four members present that can act on this application. He also requests an extension for action to March 20, 2000.

WW motions to continue the public hearing for the Bellingham Shopping Center to February 24, 2000 @ 10:00 pm and grant an extension to March 10, 2000. VD seconds. Vote of 5 (RD, PC, VD, WW and SC). AM abstains.

81-P SUBMISSION – 4 lots on Lake Street – Tim Jones

RD and VD abstains and leaves the room.

JK mentions that she has the plans, application, correspondence from Lee Ambler and a letter from Roland Arcand that was given to him from the person he purchased the land from (Charles Camelli) that had made some promises to do certain things to the property should the land that Tim Jones is developing get developed.

WW asked why there were abutters at the meeting for the signing of an 81-P?

Roland Arcand (abutter) says they have concerns about the drainage because there are wetlands.

WW explains that if there are wetlands, then the builder will need to file with Conservation prior to obtaining building permits if he is within the wetlands and the abutters should be notified.

AM states that if this plan meets the frontage and the square footage, we need to sign this plan. I'm sure that he is going somewhere with this plan, but we are not sure at this time.

AM motions to sign the 81-P for Gracewood Development of 4 lots on Lake Street. WW seconds. Vote of 3 (PC, AM and WW)

MARTINELLI – SPECIAL PERMIT – BACKLOT – PUBLIC HEARING – Continued

RD and VD rejoined the meeting. AM abstains and leaves the room.

Bill Halsing of Land Planning representing Richard Martinelli. We are proposing a backlot division. The reason for the backlot division is due to only part of Beechwood Road being completed. In order to have proper access for both lots we are fronting both lots onto the paved area. We are showing 50' frontage for the pork chop lot and 200' frontage for the full size lot. The full size lot meets the lot shape factor. The large lot, which has an existing house on it, meets the bylaw.

WW mentions that Phil comments that this seems like they are circumventing the Subdivision Control Law.

B.Halsing explains they are trying to make it right by putting the frontage on the paved portion of the road.

WW says that if the road got built, then you could do that.

VD asks if everything was done the way it was supposed to be. Could he just take this lot out of the large lot as an 81-P lot?

B.Halsing says yes.

WW says that to make it right is to build the road.

Richard Martinelli comments that he can't see himself being asked to do something that someone else didn't do.

VD mentions in Don DiMartino's letter. He mentions existing driveways coming out on the dirt part of the road.

R. Martinelli says that he is not completing this road.

WW says that if it is an approved subdivision, then why can't it just come in as an 81-P lot?

The Board asked JK to forward plans to Phil Herr and ask the question if this can come in as an 81-P lot.

VD motions to continue the public hearing for the Special Permit – Backlot – Martinelli to February 24, 2000 @ 7:20 pm. WW seconds. Vote of 5 (RD, PC, VD, WW and SC).

MINUTES ACCEPTED

VD motions to accept the minutes from the meeting of 12/16/99. PC seconds. Vote of 5 (RD, PC, VD, AM and WW).

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

Richard V. Dill, Chairman

Paul Chupa

Valerie J. DeAngelis

Anne M. Morse

William M. Wozniak