



BELLINGHAM PLANNING BOARD

5 COMMON STREET
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December 12, 2002 Meeting Minutes

- **Present at the meeting:**

Brian J. Sutherland (BJS), Vice Chair
Edward W. Guzowski, (EWG), Secretary
Roland R. Laprade (RRL)
Glenn C. Wocjik (GCW), Alternate

- **Not Present:**

Richard V. Dill (RVD)
Steve D. Choiniere, Sr. (SDC), Chair

Other officials: Beth E. Partington (BEP), Coordinator
Amy Cook, (AC), Commission on Disabilities

BJS opened the meeting at 7:00pm.

Meeting minutes were discussed. There was no quorum to vote on the previous meeting minutes, as BJS was not present at the last meeting, and two members were not present at this meeting. It was also discussed the BEP was having difficulties with the computer network and they weren't ready.

81-P, Dinapoli, Farm Street:

The applicant is creating four lots out of one large lot.

RRL: Motion to approve 81-P division of land, Parcel 2, on Farm Street and Granite Street.

EWG: Second. Vote: 4-0, approved.

- **Old Business:**

- **Buffy Road Drainage:**

EWG asked if Gerry Lorusso had finished the work on Buffy Road.

BEP explained that Mr. Lorusso had stopped by the office several times. They were working on the drainage. He had had health issues come up. Now with the weather it was causing further delays.

PH suggested to get the security amount. The date for completion has passed. Have the inspector at the DPW estimate the remaining costs and let Mr. Lorusso know that the Board is contemplating the necessity of utilizing the bond.

BJS requested a timeline of events.

- **Hixon Estates Bond Release:**

BEP stated that Mr. Eagon had turned the road over to the Town, that it was accepted at Town Meeting, and Mr. Eagon wanted the remaining bond monies released.

RRL: Motion to release the \$16,000 for Hixon estates, leaving \$8,000 remaining for the maintenance of the two retention ponds.

EWG: Second. Vote; 3-0, approved.

BJS stated the public hearing for the Maple Street Construction Garage was being postponed as it was not properly advertised.

- **New Town Hall Informal Discussion:**

Denis Fraine came before the Board presenting the concept of the new Town Hall building to the Planning Board. All the offices out of the current Town Hall, the Annex and the Center School would be housed in the New building.

PH suggested it would be nice to keep the common area green.

EWG had concerns for security and parking.

RRL stated this is a design-build type of plan.

BJS discussed the flow of traffic and thought it might be better to add more parking in the rear of the building. BJS also suggested working with the foundation of the old school as an area to fill and incorporate as green area (saving the historical footprint of the building).

Overall, the Board thought the location and style of the building were good, but the landscaping and parking needed to be worked on.

- **Informal Discussion on Maple Street Construction Garage:**

Bob Pxon, of Guerriere and Halnon, gave a summary of the project. The original plan submitted was before the zoning changes and before the applicant was forced to get another lot. When the applicant bought the second lot, he didn't think the building had to be so close to the road and set it back further. The reason for coming in with a new development plan is to discuss the progress made at the site and the changes as well.

RRL: Basically we went through the whole Development Plan process and you did what *you* wanted to do.

Bob Poxon stated that he was only the engineer, he didn't do it.

PH: Did the owner seek permission prior to construction to deviate from the plans?

BP: No, so basically, we're submitting a new site plan.

RRL: So let's say we vote no – what happens?

BP: Then I guess it goes to court.

RRL: I'll tell you, I won't vote for this.

PH stated the first issue is that there are two unrelated uses on the same lot. There can't be more than two principle uses on the same lot.

BP stated it is the exact same use. There's no relationship between the trash trucks and the loom business. The loom and truck businesses are functionally related.

RRL: So Phil, the fact they had a previous plan, has no bearing?

PH: They're in violation of zoning. It could be discussed with Lee. You could impose a penalty.

RRL stated the Certificate of Occupancy could be removed. Send a letter to Lee Ambler for counsel.

EWG: You came in her for a trucking business. What's this gas tank? Funari gas business?

BP: It's diesel fuel.

BJS: That's why we have a public hearing process. This Board works well to meet with developers. There are rules and regulations. There are needs and desires. That's what we try to do with the Development Plan Approval process, to discern between the two. You've started a new business, moved the building, and are now proposing a gas tank in the area that might be better located some place else.

BP: The building does not violate zoning. It violates the Planning Board plans. He didn't think he was doing anything wrong.

EWG: When you came in originally for this development plan, it was for a construction company, not dump trucks. You duped the Planning Board and you duped the Town of

Bellingham. Well, let me tell you something, the Town of Bellingham doesn't like being duped!

Mr. Funari: I got a few things to say to you mister!

EWG: There was a developer in here who had no problem making right turns only on Maple Street toward 140. Your trucks are driving through our roads. You're bringing your trash through our neighborhoods.

Mr. Funari: I'm paying taxes.

EWG: Well, you can take your taxes and go back where you came from.

RRL: We need to seek counsel before we can work out these issues.

BJS: What I would hope to accomplish as when you first came before us, we tried to work with you, to meet your needs. I'd like to hope that some spirit of cooperation could be returned. We don't do these things to hurt the applicant. There are rules that exist which must be adhered to.

PH brought up the issue of multiple uses on the property, with the loom business part of the problem.

BP: The only loom being removed is loom being brought in.

PH: Whether the Lord put it there or you did, removal is removal.

BJS stated that we had enough to go on for the applicant to proceed. We should seek counsel with Lee Ambler; the applicant should submit a complete application for Development Plan Approval and come back in January.

- **81-P, Letourneau, Corsi Street:**

PH: Do we know the town will accept lot A?

Bruce Lord stated the Nantucket guardrail case was a good example of this.

PH: I'm very well aware of the Nantucket guardrail case, but don't think it applies in this instance. I've never seen a case so unsettled.

BEP read a letter from Town Counsel, Lee Ambler, stating that the paper road was frontage, and then stated the Board could sign it.

PH stated that he understood it was frontage, but an owner in buying the parcel, might not know or be aware of the problems that come with building on this lot. There was a lengthy discussion about the legality and reality of buying and selling property that did not clearly have road access. PH continually stated his concern over dividing property

to create a lot for sale, where there was no clear commitment in writing to create or allow for proper access. They might not know they need to improve the road.

BL asked if a covenant would help tied to the deed of the property.

SDC said that would work.

It was decided that at the next meeting, BL would bring in the covenant and the Board would sign the plans at that meeting.

• **Varney Brothers' Development Plan Approval, 79 Hartford Ave:**

Joyce Gilmore, Shea Engineering, presented the application. She stated that basically it is a covered bridge to house the water recycling facility for the business. The recycler will separate the cement, water and aggregate. It is a closed system, state of the art facility, which will result in a drastic reduction in water.

RRL asked how much of a reduction. He noted on the plan that the Varneys would be drilling a well to supply the water and not taking town water.

JG stated that 100% of the water will be saved. Currently the company uses 1,000,000 gallons of water a year. This recycling facility will use collected rain water and recycled water to operate. It will save the town 1,000,000 gallons of water a year.

BJS commended the applicant on coming up with such an excellent system for the environment and Town. He also noted though the Town would not have the revenue from the water.

RRL: Motion to approve Varney Brothers' Construction Development Plan with the stipulation that the plans will have added items in bold on 11/26/02.

EWG: Second. Vote: 3-0, approved.

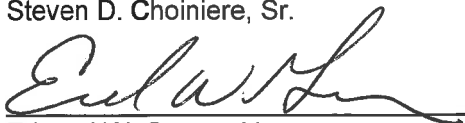
RRL: Motion to pay the bills.

EWG: Second. Vote: 3-0, approved.

Minutes Accepted on: 1-23-2003
(date)

(prepared by: Beth E. Partington)

Steven D. Choiniere, Sr.



Edward W. Guzowski



Brian J. Sutherland

Richard V. Dill



Roland R. Laprade