



BELLINGHAM PLANNING BOARD

5 COMMON STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 966-0991; FAX (508) 966-2317
PlanningBoard@bellinghamma.org

March 13, 2003 Meeting Minutes

- **Present at the meeting:**

Steve D. Choiniere, Sr. (SDC), Chair
Brian J. Sutherland (BJS), Vice Chair
Richard V. Dill (RVD)
Edward W. Guzowski, (EWG), Secretary
Roland R. Laprade (RRL)
Glenn C. Wocjik (GCW), Alternate

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

SDC opened the meeting at 7:15pm.

RRL attended the Inspectional Services meeting. Stuart wants the Planning Board to see if they're interested in being part of the permitting process.

SDC stated if it's residential, no, but commercial, yes. He suggested having type of permit (commercial vs. residential) put on the bottom of the form.

Stuart suggested putting a dollar value amount to trigger development plans instead of parking or square footage, that a lot of towns do it that way.

RVD discussed the Town Planner job description and will advertise. The Board agreed to have period extend 30 days from date of advertisement.

- ♦ **Beaver Pond Estates:**

RRL: Motion to deny extension.

RVD: Second.

RVD wanted clarification of why denying and not withdrawing. All board members agreed applicant had been asked to come in and explain why if further extension was requested. BP explained to applicant, but they asked for extension without being present, and with no immediate date for extension. Also, the plans did not have the required waiver; therefore the submittal was incomplete.

Vote: 5-0.

RRL: Motion to deny the preliminary plan based on the incomplete submittal.

BJS: Second. Vote: 5-0, approved.

♦ **Pierce Estates Signing:**

SDC asked what does withdrawn with prejudice mean?

R. Schwartz stated that it means they can't come in again.

♦ **Continued New Business:**

BJS: Motion to pay the bills. We may as well sign everything at once.

RVD: Second. Vote: 5-0, approved.

♦ **Brief recess:**

• **Street Acceptances:**

Brookside Estates:

SDC stated it's pretty much finished except for sidewalks.

Michael Civatarese stated the road was in good shape.

MC stated it's basically engineering things that need to be cleared up. CAD file, markings. He stated the retention pond was put in incorrectly. It doesn't hold water; the pipes are going the wrong way.

RVD is concerned about the pipe going the wrong way.

MC stated there is a drainage system up there. There was a small area that was a pick-up.

BJS: There certainly isn't money to fix that.

SDC: When you said it doesn't hold water, I thought it was because it was working so well, not because it wasn't working at all.

MC said the residents are happy.

SDC said that it's not really a problem, the water flows right to the river, where it's always gone anyway.

RRL: Motion to recommend the acceptance of Edgehill Lane and Woodside Road as Town Roads to be voted upon at Town Meeting.

BJS: Second. Vote: 5-0, approved.

Northeast Road

Bruce Lord suggested Board instruct Town Counsel to use whatever measures to recoup the money to fix the road.

RRL: Motion to not recommend Northeast Drive and send letter to Town Counsel to seek the recuperation of Town money to complete and repair the road.

BJS: Second. Vote: 5-0, approved.

Sending a letter to Town Counsel was discussed. RVD will follow up letter with a phone call.

- **Brief recess.**

- **Sunken Meadow Estates, 3 lots off of Pine Street, Bruce Lord:**

EWG stated the materials just distributed to Board should have been in the packages by Tuesday at noon.

BJS: Motion to waive the reading of the public hearing notice.

RRL: Second. Vote: 5-0, approved.

Bruce Lord, owner/applicant, stated that the parcel is located off of Sunken Meadow Road off of Pine Street in Franklin. It's a 3 lot subdivision on 10 acres. There is question relative to title and access, which I have provided the deeds for. Sunken Meadow was constructed and is not accepted as a town road. We are suggesting that it be maintained it as a private road to be deeded to the three residences to be maintained by the residents. We are suggesting a covenant to people purchasing, that all residences with school aged children, would not receive bus services; that they would need to transport them to the nearest bus stop. We are proposing a 30' buffer, no disturb, no cut zone, along the Pilgrim Village Side.

BL explained that there is an unusual situation regarding the 12 lot limitation on a dead end street. Franklin by-laws can't really be enforced in Bellingham, if the entire parcel lies in Bellingham. I spoke with Lee Ambler, and we believe it doesn't fall within the 12-lot requirement.

Bill Halsing, Land Planning, Inc., Project Engineer, explained the technical aspect of the project. They've extended the cul-de-sac, adding a double catch basin detention

system. There are wetlands to the northeast portion of the site. Houses will be serviced by on-site well and septic systems.

We've proposed an alternative plan, requiring the road to be waived, with a common driveway proposed. We feel this has less environmental impacts.

RRL asked why this wasn't the primary plan.

BL stated the original plan went according to Planning Board subdivision regulations. The secondary plan doesn't have the wide road or the detention pond.

RRL asked if they had submitted with Con. Com. yet and stated it would have been helpful if you had come in for a general discussion first.

RRL asked, "This is going to be a completely private road, so it will never be turned over to the town, correct?"

BL stated he would be agreeable to conveying all this in a covenant.

EWG has concerns regarding water for fire protection. He feels with the drought, it's not a good idea.

Bill Halsing stated that it holds up to 15,000 gallons of water.

EWG stated that fire trucks pump out 1500 gallons a minute. You have ten minutes. That's a bad idea.

Bill Bissonnette, 29 Mohawk Path. It's a bad idea to put the onus on the residents. They will be walking through my yard to get to the closest bus stop. Why in the world would we put the onus on the residences? It's a very bad precedent to set. I think Bruce Lord stating, "that I spoke with Lee Ambler, and he said this", that it is all here-say. If he has something in writing, that's one thing, but if he heard something over coffee, that's just trying to give you a level of comfort that doesn't exist.

RRL: I agree somewhat, but this is basically setting up something similar to a condo association.

BL stated as far as residences going through back yards, you have every legal right to stop them, by whatever means necessary; you could put up a fence.

BB: Mr. Lord knew exactly what he was buying. He bought a piece of landlocked land that's now a bad investment and he wants the burden to be on the town. Why on earth should the Planning Board approve something that is going to burden taxpayers.

SDC stated that non-accepted roads are not paved by the Town.

BB: Wait until your first fire or fatality.

RVD: I've been on the Board 7 years and there hasn't been one suit.

RRL asked if the cul-de-sac on the second plan was suitable for fire safety trucks.

BH stated that it wasn't big enough for a turn-around, but it would fit and be able to do a three point turn to turn around.

RVD asked about Joseph Circle and issues raised at that time.

BJS stated that one concern he has is what the Franklin town plow is going to do with the snow. Will he block off the entrance and egress of the residences proposed at the end of the cul-de-sac?

BL stated the plowing will not change. It's up to the people to plow themselves out, just like when a plow truck goes by your driveway now and you have to shovel it out.

BJS disagreed.

SDC stated that currently, Brady and Flaherty are cut off the temporary cul-de-sac. Why is it temporary?

BH stated that it was intended to be developed when it was first put in.

Mark Brady, 11 Sunken Meadow Road. It's not as simple as Mr. Lord stated. He asked for a variance from the ZBA for one curb cut and was denied. He is here for a driveway with 3 houses, 3 curb cuts. I have not been served with legal notice. The Town of Franklin instituted a master plan for sewer. Unless you were on this at the time, Franklin is not going to approve it. This is an alteration of an existing subdivision. We would ask the Board to defer the application process to the Franklin Planning Board.

Prior to Mr. Lord's purchase of the land, there is a 600' maximum for a dead-end streets in Franklin. This is no hardship. He's asking for a waiver. Under the law in Massachusetts, you have to be able to build the road. The road length was already given a waiver. It isn't wide enough. It's out of compliance. Mr. Lord knows this is a pre-existing subdivision because he represented the abutters against the subdivision.

This isn't a Jane and John Smith who have owned the house 50 years and want to sell it. This is a gentleman who is a real estate attorney, knowing it was totally encumbered. He is now coming to this Board stating I've made a bad investment. There is no clear title to this road. Extending this road is impossible, as it already exceeds the legal length.

MB added that Mr. Lord defended the abutters in 1987 to stop this parcel from being turned into a subdivision, and yet now he wants to reverse the Bellingham Planning Board decision of 1987. MB submitted copies of all supporting documentation.

Michael Switzer, entered a letter of protest to the hearing as he was not legally served with notice.

RRL stated we should contact Town Counsel as to whether or not this is a legal hearing, then we need to start over.

Mr. Bissonnette requested the Assessors' offices in Franklin and Bellingham be contacted.

Walter Power discussed fire protection and voiced concerns over confusion of which fire department would use the hydrants.

WP asked BL his plans for the strip of land along the front of the parcel.

BL stated he could sell it to one of the abutters or deed it with lot 1.

MB: One of the conditions we would like is that he post a bond to repair the current conditions of the road that has been damaged with equipment already doing work on this application.

RVD asked MB if the road is indicated as a private road.

MB stated that Franklin does not indicate private roads.

RVD asked who plows the roads?

MB stated that the Town of Franklin assumes liability and plows all the roads.

SDC discussed sending a letter to Lee Ambler, with the content of the letter asking if the Town is in jeopardy for any unplowed streets or for not plowing unapproved streets, the validity of the public hearing, the legality of no bus service for school children, lack of additional services such as fire and liability for the lack of these services.

SDC also indicated that the information submitted by BL and MB should be sent to Phil and Don. He would like a copy of the ZBA decision, minutes, and for the applicant to get copies of the deeds, stating the road is not owned by the residents.

BJS asked BL to provide clarified material pointing out the right of way.

RRL: Motion to continue the public hearing for Sunken Meadow Definitive Subdivision to 5/8/03 at 8pm.

RVD: Second.

Board agreed that if the Town's counsel decided the hearing was not valid, the next date it would be advertised for would be 5/8/2003 at 8PM.

Vote: 5-0, approved.

RVD: Motion to grant an extension to 6/17/03.

RRL: Second. Vote: 5-0, approved.


BB asked a question regarding liability if a town of Bellingham emergency vehicle strikes a child or person in Franklin.

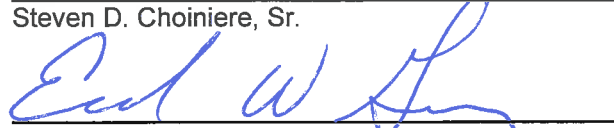
RVD stated just as it is now, when Emergency vehicles drive to hospitals.

RVD: Motion to adjourn.

EWG: Second. Vote: 5-0, approved.

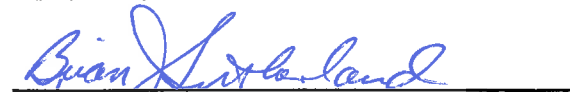
Minutes Accepted on: _____
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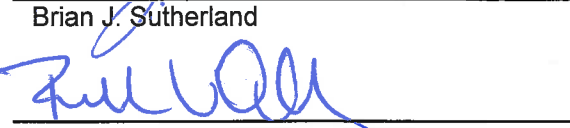

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(prepared by: Beth E. Partington)


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