



BELLINGHAM PLANNING BOARD

5 COMMON STREET
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May 8, 2003 Meeting Minutes

- **Present at the meeting:**

Richard V. Dill (RVD), Chair
Edward W. Guzowski, (EWG), Vice Chair
Brian J. Sutherland (BJS), Secretary
Roland R. Laprade (RRL)
Arthur P. MacNeil (APM)
Glenn C. Wocjik (GCW), Alternate

Other officials: Phil Herr, Consultant Planner
Beth E. Partington (BEP), Coordinator
Amy Cook, (AC), Commission on Disabilities
Stuart LeClaire, Building Commissioner

Brian Sutherland called the meeting to order at 7pm.

Beth Partington called for motions for Chair. The Board reorganized as follows: RVD as Chair, EWG as Vice Chair, BJS as Secretary.

- **Old Business:**

BJS: Motion to accept the 4/24/03 meeting minutes.

EWG: Second. Vote: 5-0-1 (APM abstained, as he was not present at that meeting)

- **Deer Run Estates:**

EWG: Motion to direct the Town Treasurer's Office to cash out the remaining security held in Ben Franklin Savings bank books 1073056 and 2018741 for the Deer Run Estates subdivision and to deposit all funds into the ConCom stormwater facility maintenance fund c.d. as partial payment of the Deer Run Estates drainage facility maintenance gift.

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

- **Hartford Village:**

RRL: Motion to accept the As-Built Certificates for units 201-203, and 208-211.

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

The walkway materials were discussed and emergency driveway access onto Hixon Street. PH said that it wouldn't affect drainage significantly, such a change would not

require reopening the public hearing, and the emergency driveway must remain as such. BJS will convey the information to the representatives at Hartford Village.

- **Sunken Meadow Estates:**

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

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

RRL: Motion to accept the extension for Sunken Meadow Estates 3 lot definitive subdivision to 7/1/03.

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

RRL: Motion to continue the public hearing to 6/12/03 at 7:30pm.

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

EWG and members of public expressed their displeasure with no advanced notice of the applicant's intent to request an extension.

- **Maplebrook Commons Condominiums, development plan public hearing:**

Larry Knorl stated they are waiting for the groundwater discharge permit approval and are waiting for the final signature from the review agent Margaret Webber. He asked that we vote contingent upon approval of the wastewater treatment plan.

RVD stated that we've waited this long, what would be the difference?

LK stated that they could get started on the project and get things in place.

RVD said they could do that now if they chose to.

The general consensus of the board was that history has taught that it is better to wait than approve with a contingency, especially since there had been so much time involved to this point, and the Board had shown its intent extending the public hearings.

RRL: Motion to continue the public hearing to 5/22/03 at 7:30pm.

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

BJS: Motion to grant extension to 7/1/03.

RRL: Second.

- **Dunkin Donuts:**

RVD read into the minutes a letter submitted by Guerriere and Halnon, of the applicant requesting to withdraw without prejudice.

RRL: Motion to accept the withdrawal of Dunkin Donuts without prejudice.

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

BL: Stated the buyers terminated the purchase and sales agreement.

- **Edwards Estates, Modification to Definitive Subdivision off Laurel Lane, Public Hearing:**

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

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

Bruce Lord, attorney for the applicant, stated the applicant came last year before the planning Board and their impression was that the Board gave the okay for the duplex. He also stated that there was a determination by Town Counsel Ambler disagreeing with BL's interpretation, and he disagreed with Town Counsel.

RVD stated that it was clear when they left at the 2/28/02 meeting about the 13th lot. (A transcription of that portion of the meeting was read into the record. Roger Gagnon said, "we could build a duplex, but who wants that? Then RRL stated that it would be another lot. So it was clear when they left.

BL stated Mr. Gagnon stated he was notified in December, after the house was already up.

RVD stated this is setting a terrible precedent.

BJS said he was under the impression they (the Gagnons) were just doing what they wanted, regardless of the results of the informal discussion before the Planning Board, back in March of 2002.

Mr. Gagnon: It was never our intent to get away with anything. We live in this town; we build in this town; why would I want to pull something over on you?

BL said: I don't think this is a situation of malicious intent. It was a mistake - a big mistake.

Fred Daprado, a resident in the neighborhood stated he doesn't have any problems with the project being a duplex.

RRL stated for the record that Mr. Daprado was the original owner of the subdivision.

Pete Culcasi stated he was upset the duplex went up across the street from his house, but he can't find it in his heart to ask them to rip it down.

Roger Gagnon, Jr. stated that he thought at that meeting as they were walking out that the Board said they could build a duplex.

GCW stated the he finds it almost a slap in the face. The meeting was very specific. The rule is very specific and they didn't adhere to it. There is a reason for the 12 dwelling units. It doesn't mean you can go in and put up 12 triple deckers.

RVD stated especially you guys, you've been building in this town for years.

BJS asked why the applicant hadn't come to the Board back in Nov/Dec when they were notified to stop building?

RG stated they were directed by counsel to wait until they came before the Planning Board.

BJS said he could see buttoning it down for the winter, but not bringing it to completion, knowing there was a problem.

Jeff Gagnon stated they figured that was the way to go.

RVD said, "That's a pretty big gamble."

RRL asked Phil Herr to comment on the situation.

PH said the question is whether one can regulate use and lots.

RVD indicated he would like to continue the hearing and seek more counsel in the meantime.

PH stated he didn't understand the process taken by the applicant and their attorney and why all this correspondence had already taken place outside of the Planning Board.

BL stated he sent an inquiry to Town Counsel to be certain which way to go.

RVD asked Stuart LeClaire for the chronology of events.

SL stated he would be able to provide it.

RVD said speaking personally, this is not going to be an easy one.

PH said the thing to think of is this: Is there some functional line as to having 12 lots as opposed to 13. Neither of those is fundamentally different from 12. I think you should give some weight to the precedent – this wasn't okay. There's rather an abundant amount of exception to the extensions of the dead end road. This wouldn't be the first. A long discussion revolved around the number of potential maximum number of units on a street, and the maximum of 12 dwellings on a dead end lane.

RVD: This is a case where the regs. were clear.

PH: I think it is relevant that there isn't anyone complaining. It is a hard call. It not a hard legal call - you have the right to. The remedy is the difficult thing. Do you demand them to tear it down?

BJS corrected PH that one person had complained, and asked if there were others in the audience

John Gomersall stated that he was upset because right up to the closing they were not told it was going to be a duplex and had been lied to.

RVD asked if he would rather see a 6,000s.f. single family home instead of 2 homes .

RRL said the problem with a duplex is that one person could take care of it and one might not.

Michael Droans, 3 Edwards Circle said he wasn't expecting to see a duplex until it was in its last stage. They didn't find out until last July.

RRL stated we should talk to Lee Ambler.

EWG asked if there were any types of mitigation that would somehow compensate the neighbors for their suffering in all this. Some discussion revolved around additional trees, sidewalks, and buffers.

RRL: Motion to continue to 6/12/03 at 8pm.

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

RRL: Motion to adjourn.

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

Minutes Accepted on: _____
(date)

(prepared by: Beth E. Partington)

Richard V. Dill

Brian J. Sutherland

Edward W. Guzowski

Arthur P. MacNeil

Roland R. Laprade