



# BELLINGHAM PLANNING BOARD

5 COMMON STREET  
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## 6/12/03 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)  
Richard V. Dill (RVD)  
Arthur P. MacNeil (APM)  
Glenn C. Wocjik (GCW), Alternate

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

RVD opened the meeting at 7pm.

BJS Motion to accept the meeting minutes of 4/10/03.

RRL: Second. Vote: 4-0-1 (APM abstained); approved.

BJS Motion to accept the meeting minutes of 5/22/03.

RRL: Second. Vote: 4-0-1 (APM abstained); approved.

RVD asked Endre Hollosi to explain MEPA.

EH stated the remaining units have to be allocated. They filed notice of project change to have the twenty units on sewer. They went to get the remaining 90 units out of the 110 units onto sewer. MEPA said they have to file a supplemental MEPA application if they were going to put them on sewer. They could not put them on sewer and decided to have their own wastewater treatment plant on site, so they got a permit from the DEP for the groundwater discharge. He stated there is nothing else to do with MEPA.

RVD asked if we have all the copies of all the permits, and if we don't, could we get them from EH.

EH stated that would be no problem.

Discussion took place on the 30 day appeal period. RVD felt that they had waited long enough. Their application was in before the new procedural rules went into effect. RRL agreed with RVD, that it was just a planning Board rule and wasn't in effect when they applied. The Board decided to file the plans.

RRL: Motion to sign Maplebrook Commons Development Plan Phase II & III.

RVD discussed using a stamp on the decision.

RVD brought up for the record. The Planning Board had eight applicants apply for the Planner position. We interviewed four or five last week, and one more this week. The Board decided on Paul DeCoste.

BJS: Motion to appoint Paul DeCoste as Town Planner, pending contract negotiations.

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

RVD discussed in making a motion pertaining to a decision, that we make a motion for the consultant or planner to draft a decision.

RRL: Motion to pay bills.

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

RRL: Motion to allow RVD to sign any vouchers to pay bills for fiscal year end.

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

RRL: Motion to allow the clerk, Beth Partington, to sign on the chair's behalf, pending his approval.

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

• **Old Colonial Restaurant, Informal Discussion regarding drive-thru possibilities.**

EWG stated that this intersection is blossoming and it would possibly require mitigation.

RRL: You should be contacting the developers in the corner.

Mr. Hackensack, the owner, stated he was thinking of seafood or a drive-up or whatever the Board thought would be good there.

RVD stated he is not opposed to anything in this area preferably a Krispy Kreme. I think it's in your best interest to get with the other developers of the corner. Board members expressed concern over design proposed for driveway sharing the same curb cut and so close to the current intersection.

**Sunken Meadow Estates, Public Hearing**

Discussion took place regarding point of order. Bill Bissonette of 29 Mohawk Path asked if this is a new plan. It was discussed that this is a new hearing and considered a new presentation.

Bruce Lord stated that Sunken Meadow is an unaccepted road. They are willing to covenant that people would need to drive their children to the nearest bus stop.

Marybeth Carney of Land Planning, said they extended the cul-de-sac 350', proposing 3 houses, on-site septic wells. Drainage is a catch basin, retention pond is for the 100 year storm. They're proposing a 15,000 gallon cistern to cover 3 houses. They've addressed Phil Herr's concerns. They received a letter that finding water, the chance is 99%.

BL said they have an engineering letter that states drilling water will not be a problem.

MBC stated they will get the Franklin Zoning, checking the adequacy of fire cistern, serves up to 8 houses. The turning radius of the driveways can accommodate a 50' truck.

BL stated the present intention is to have this be a private turn around.

EWG stated he doesn't have a problem with well water, but he has serious concerns with the fire cistern. He stated 15,000 gallons in a full house fire would be used in 10 minutes.

RVD asked MBC to explain the cistern.

MBC stated it acts as a well, considered a dry well, that collects rain-water up to 15,000 gallons.

RRL asked if it would involve a pumping system.

MBC stated it would have to.

BL stated the town would connect to the hydrant in the case of an emergency. They've avoided going to the Town of Franklin because one of the abutters, Mr. Brady, is on the council in Franklin.

EWG asked how it's done in Joseph Circle. He also said that there was no letter from the Fire Department saying the 15,000 gallons were acceptable.

Bill Bissonette questioned the validity of access through Sunken Meadow Road. I would think the Town of Franklin should have been contacted as to whether or not they need to go there.

BL said in his deed they have access to his parcel along Sunken Meadow Road.

Bill Bissonette feels that police and fire protection are critical. He feels the covenant regarding the bus stop won't work. He has reservations regarding the children cutting through to go to Mohawk Path. He asked the Board to look at the material provided by

Mr. Brady – the ZBA denial, the original denial by the Planning Board due to public safety. These issues have not been addressed.

Sue Flaherty, 10 Sunken Meadow Road, asked that the information be available for review.

MB: questioned whether or not Mr. Lord should come to Franklin first. He questioned the legal right to extend the road. Bruce Lord's argument is that he has given right to the road. We feel he doesn't. Dennis Margarite came before this Board and it was denied for four houses. This is one house less.

RVD asked what year.

MB stated 1986.

RVD stated not this Board, the legal body.

RRL stated he's not going to be bound by a previous Board's decision.

BL stated his character has been maligned.

RRL: motion to continue to 7/10 at 7:30.

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

RRL: Motion to extend to 9/1/03.

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

BJS asked for the info from Mark Brady within two weeks.

• **American National Power Plant, 81-P, conveying of land to town**

BJS: Motion to accept and sign limited plan of lands on Maple Street dated April 24, 2003, revised 6/3/03.

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

The Board took a five minute recess.

• **Edward Estates, Modification to Subdivision, Off Laurel Lane**

Bruce Lord (BL) stated that it's been discussed that a duplex is not allowed. We disagree.

Bryan Pepin, speaking on behalf of the residents of Edward Estates stated the conditions they want met:

1. They want a single family home with one drive way, one entrance. Their largest concern is to protect the financial values of their homes and the resale values in the future.
2. They do not want it turned into rental property;
3. Their expectation is that no occupancy permits be granted until everything is said and done with the Planning Board;
4. They're not looking for neighborhood beautification or a tree planted on their properties as mitigation; they're looking for a single family home;
5. The building of the duplex was never made known. It wasn't until late November, 2002 that the residents found out;
6. If the Planning Board decides to allow it, we would like imposed covenants;
7. The Planning Board was never allowed to see the plans before building and give their input, as they did not follow procedure;
8. If approved, they would like direct abutters compensated;
9. The Planning Board was not even aware that these people were building an additional dwelling unit, they just did it;
10. They want the Board to know that this is nothing personal, but everything to do with the violation of a by-law.

RVD stated to the applicants and their attorney that a little more forward communication would have been appreciated.

BJS stated one of his concerns is that back in 2002, an informal discussion took place. A decision was made. No one came forward even with a second informal discussion. It was pretty clear as to who said what as transcribed by our clerk. Then discussion came up that you had to button up the house for the winter. All the work that's been done has been at your own peril. You chose not to come back to the Board. You chose not to deal with it. I have a hard time granting a waiver of any kind. Now, you throw out the planting of a tree in someone's yard as mitigation.

R. Gagnon: We didn't bring that up, that was at the suggestion of a Board member.

APM: The thing that gives me heartburn is that the indication at that meeting was clear.

EWG: Did you ever tell people that was going to be a gated estate?

RG: No, we did not.

RRL: How were you going to build two houses on that lot if it's wet?

RG: That's the only place it would fit.

EWG: why are people saying that a large house was going back there.

RG, Jr.: At that time I saw an opportunity to live in Bellingham. I was going to move to North Smithfield and saw this as an opportunity.

EWG it sounds like you made a business mistake.

RVD asked how old his kids were because if he knew Roger was going to be here at least 5 years, barring any economic downfall, he might give it more consideration.

RG, Jr.: My children are 6 and 10. We planning on staying here a long time.

RVD: Did you really think from that meeting that we said it was okay? It seems so clear from the tape and the transcript and the minutes, that we said no.

Jeff Gagnon: We've been building for 20 years in this town. I live in my own subdivision, which is rare for builders.

BL: Relative to the tape, we're here for a waiver, whether it's on there or not. Property values are not hurt in any way from this. The sale price of the duplex, is nearly as much as a single family house. As far as decreasing land valued, the reality is that it does not.

RVD: I hear what you're saying. The Board is in a tough position. It's one of the nicest subdivisions I've seen. I don't foresee the building being torn down. As one of the conditions would you say that it would never be a rental home?

BL stated he has no problem with that being in the deed as well.

RVD suggested putting a time frame that Roger Gagnon would be living in the house for a certain amount of time. He said, "I'm just throwing things out there. We're really in a bad place on this one."

BJS: I'm not a heartless person. You had an opportunity to come before the Board. You chose not to communicate. There is merit to stick to it because down the road you get what you want. I have a hard time granting a waiver when there hasn't been a good faith effort.

JG: I could understand that if we lived an hour away, but we live in this town. We thought from that meeting that Roland said to build a duplex.

RVD stated that was the problem, you do live in this town, you should have known to come back to us.

RRL stated that at the last meeting he said he didn't live there but would vote along with the majority of the residents. He asked if any of the mitigation proposals were acceptable to the neighbors.

Ivy Iacoy, 1 Edward Circle, asked if it is common for Bellingham to allow a mix of duplex and single family homes in subdivisions. She suggested that it not be common practice.

RVD asked the residents if they would like to think about it, maybe think of some conditions they would like placed on a covenant.

Daniel Jardino, 2 Edward Circle, stated he didn't have a problem with it, but he is in the minority.

II: stated that when you bought your property, you knew about it. We did not think it was going to be a duplex. We thought it was going to be a large estate, with a fence and gate.

RVD stated that he contacted a realtor and asked the realtor if a duplex would decrease the value of the properties around he. He thought that it wouldn't, but depends on the subdivision and condition of the homes.

GCW stated that it probably wouldn't affect the prices of the homes. His concern is having some protection for them and their property value, if there would be some way of protecting them in the future.

RRL said maybe they could do something like the power plant did, that if the value of the homes is not at market rate, there's an insurance that would protect that. He also added that he'd love to say no, as he feels the Board was snubbed and ignored.

EWG stated that he is heartless. If the residents feel that should be a single family house, then that's the way I feel it should go. I feel this whole thing has been a bad decision on your part.

EWG stated a Paula Gagnon called the residents blackmailers.

RG,Jr.: Stated our life has been hell through this ordeal. If my wife did that, I apologize. She's gets very emotional over this.

BL: The situation relative to the insurance pool, this is no power plant with limitless pockets. Their values are going to go up or down with the market.

RRL suggested having the developer and neighborhood representatives meet to see if they can't come to an agreement.

Jennifer Powell, the possible buyer of the duplex asked how long this would go, as she wanted to make plans for moving.

RRL stated that legally they have twelve units and could sell that one.

The Board discussed this and decided to hold off on occupancy until it was decided what to do with the building.

RVD said it would be decided at the next meeting.

BJS: Motion to extend the modification to Edward Estates to 7/14/03.

APM: Second.

BJS: Motion to continue the public hearing for Edward Estates to 7/10/03 at 9pm.

APM: Second.

▪ **Grenon Backlot Special Permit Public Hearing, off Pulaski Boulevard, Diane and Ovila Grenon:**

BL presented the application.

RVD stated the applicant came in with a subdivision in 1987 and in the time it was approved, they missed the deadline to come in for an extension by two weeks. It was a horrible thing that happened, but our hands were tied.

BJS discussed making the Franklin part of the lot a non-buildable lot.

RVD asked what does that satisfy?

Mr. and Mrs. Grenon stated that last time they went to Franklin and they said if no building or road was going on Franklin property, then they didn't need to go before Franklin.

Discussion took place to ask Phil to draft a decision of approval.

RVD stated that Glenn is sitting on this.

EWG: Motion to have Phil Herr draft a decision of approval for the Backlot Special Permit Subdivision for Diane and Ovila Grenon.

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

RRL: Motion to adjourn.

EWG: Second. Vote: 5-0, approved. Meeting adjourned at 10:45

Minutes Accepted on: 8/14/03  
(date)

Beth E. Partington  
(prepared by: Beth E. Partington)

Richard V. Dill  
Richard V. Dill

Brian J. Sutherland  
Brian J. Sutherland

Edward W. Guzowski  
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Arthur P. MacNeil  
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Roland R. Laprade