



BELLINGHAM PLANNING BOARD

5 COMMON STREET
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August 14, 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: Stacey J. Wetstein (SJW), Town Planner (not present)
Beth E. Partington (BEP), Coordinator
Amy Cook, (AC), Commission on Disabilities

BJS: Motion to accept the 6/12/03, 6/26/03 and 7/10/03 minutes.

APM: Second. Vote: 4-0, approved. (RVD abstained as he was not present for one of the meetings.)

RVD discussed the Charter Review Committee.

BJS: Motion to appoint RVD to the Charter Review Committee.

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

- **High Ridge Estates Bond and Lot releases discussion:**

RVD recused himself as he is an abutter to an abutter.

Tim Jones stated he has been working with Don Dimartino to go over the second Phase of construction and setting up the tripartite agreement for Phase II with the inclusion of offsite work.

They're bonding the whole set of lots, but only releasing lots to the payment of station 25 and 50, lots 6-13, 64-71.

When he does get the pavement down for the remaining lots, he will come back to have those released.

There is a new lender's agreement for \$412 thousand.

BJS asked the situation with the neighbor who had property damage.

TJ stated that at 5:30pm, earlier today, that he and Don DiMartino were allowed into Mr. Bogdanovich's home and viewed the cracks. Because of the length in time it would take for the insurance to take care of it, he's going to pay out of pocket. To speed up the insurance claim, the insurance company said he could pay out of pocket and be reimbursed.

RRL stated that he has a lot of concerns. Originally 39 lots were released and it became a problem with the sewer. It was supposed to be a temporary situation. They granted ten occupancy permits, now there are another twenty houses and still no sewer.

TJ: They have four large knobs and 75' of hard ledge. Blasters are on site. Only one section on Park Street is left. \$641,000 is still in tact in the bond.

RRL: stated the BOS gave you permission to pump those houses temporarily. His concern is that people are buying these houses and they won't be able to occupy them.

TJ stated he has no control over what the builders say to their clients, but the builders know the situation. It's vital to have working capital for the project to go forward.

RRL stated it doesn't seem to motivate you to get the work done.

TJ: On Park Street, when we hit the ledge, the Fire Department held us up two weeks. The driller would not get the drill in until the Fire Department gave us the go ahead. At no time was I stalling. In the interim, the generator was being worked on.

EWG asked what were some of the problems that held the project up.

TJ stated they got a late start because of the winter. They knocked out Center Street, paved a good temporary patch. They got everything off Center Street so the Lorusso shopping Center traffic could be re-routed. On Park Street, as soon as we hit Park, we ran into problems, soft sand, ledge, and water.

RRL asked for an estimated time of completion.

TJ: Monday on the bridge. We estimate no more than three weeks.

RVD, from the audience, stated that there was a meeting with Don DiMartino and two of the Board members and TJ was asked to provide a construction schedule. DD expressed areas of concern and felt better after the meeting. The bridge has to be up by August.

TJ stated they have been fighting some unbelievable elements. They went through a 72-hour dig safe.

RRL stated he feels empathy for the people buying these houses, he can't release these lots in good conscience knowing they can't be occupied.

BJS asked how many houses are built?

TJ stated ten, nearly three are done.

RRL asked how many homes are under construction?

TJ stated 15 are being built, ten are already tied in.

RRL stated, "So you have 15 houses in limbo?"

TJ: There are probably three houses in limbo.

RRL asked what happened with the bond reduction with the BOS?

TJ stated he decided not to go for it. Without the \$641K and without the lot releases, this is a big project and it could go under.

RVD, from the audience, stated that he's not sticking up for TJ, but he lives on that street and wants the project done. By saying, "No, don't build anymore", it strangles the situation.

EWG asked what would happen if we don't release these lots? Would it affect your project?

TJ stated it would cripple him.

BJS stated they don't want another series of home-owners being inconvenienced. Does every homeowner know?

TJ stated every builder knows the sewer is going to be done.

There was discussion regarding the process of selling the lots to the builders and when the homeowners were notified as to their occupancy issues.

RRL felt that TJ should wait until the sewer was complete before releasing any lots.

TJ said waiting three weeks for the sewer completion actually turns into 60 days because of the closing dates work with the banks.

APM stated that he hates to see the project tied up because of no funds, but he understands Roland's concerns.

BJS stated there's an implied statement, saying it's a buildable lot. Maybe you could disclose that in a letter on the P & S to the builders. It would show this wasn't a readily buildable or occupiable lot.

RRL stated a builder builds the lot, a buyer buys it and he still doesn't know it can't be occupied unless someone has told him.

RVD, from the audience, suggested Mr. Jones produce the list of developers and notify them through certified mail that we're not going to support any more tie ins with the pumping station. It's not this Board's job to be concerned if a lawyer misses it on a P & S agreement.

BJS stated that he concerned with the process. If we issue a letter stating to the developers at High Ridge, that any home built is not occupiable until connected to the sewer.

APM: Motion to release the lots 6-13, 64-71, TJ will include a notification of disclosure on each of the Purchase and Sales Agreements that the lots are not habitable until they are tied into sewer.

TJ stated he will drop off signed P & S agreements with that clarification.

BJS: Second. Vote: 3 aye, 1 nay (RRL), 1 abstention (RVD)

BJS: Motion to issue a letter stating to the developers at High Ridge, that any home built is not occupiable until connected to the sewer.

APM: Second. Vote: 4-0, approved. (RVD abstained)

▪ Edward Estates, Modification to Definitive Subdivision, Public Hearing:

EWG stated that as far as he's concerned, tear it down.

Roger Gagnon stated it wasn't intended to deceive anyone.

RRL stated his concern has been setting a precedent. He did say if the neighbors could come up with an agreement of mitigation, he would go along with it. He felt we were slighted and ignored and feels the best deal is to go ahead with what the residents have come up with.

Ivy Iacoy asked what the Board is doing so this won't happen again.

RVD stated it's being addressed. The Board has been looking into this. The Inspector's Office now holds permitting meetings weekly and there is more communication between departments.

BJS stated that this property met one criteria originally for a building permit. We've learned a lot from this process on the interpretation of the by-laws.

GCW: When a lot comes in divided in such a way, we'll say, you have to divide it differently or only 12 single family homes can be built. It will be in the language of the decision.

Il: That was my concern, that no other neighborhoods have to go through this.

BJS asked if they were glad to have been part of the process.

Il: I'm glad to have been part of the process, but I didn't like having to be put in the middle.

RVD: We thought you wanted to be part of it. We said make sure you're getting everything you want. This was a no win situation. It kept me awake at night wondering if the builder would have to bull doze the other half down or if it would sit there and rot becoming an eyesore.

RRL: Motion to grant the waiver for the 13th dwelling for the duplex on Edward Estates for lot 10, including the agreement packet dated 8/4/03, received 8/5/03, which would include the agreement with Gagnon Homes, Master Deed on 4,6, Edward Circle, Greenwall and Greenwall and Powers, Declaration of Trust for 4,6 Edward Circle. RVD also stated later that he wanted the decision to include a timeline and explanation of the events that lead up the decision. He did not want future boards to feel pressured the way this board was.

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

RVD wanted to make sure the order of conditions are met on lot 1 by the end of the appeal period.

Dave Powell, future owner of 4 Edward Circle, stated he was angry with the process and how long it took, that people's lives were in the hands of the Board. He has been waiting to move in, but now with the appeal he had to wait another 20 days.

BEP suggested to the chairman allowing occupancy of the 12th dwelling.

RRL suggested writing a letter to the Building Commissioner for 4 Edward Circle, allowing occupancy of the 12th dwelling. The resident of 6 Edward Circle would need to wait until the completion of the appeal period.

▪ **Old Business**

EWG: Motion to pay the bills.

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

▪ **Maple Street Commercial Building Informal Discussion:**

Mike Simmons of Guerriere and Hanlon briefly presented a plan for two commercial buildings proposed on Maple Street.

RVD stated this is an informal discussion and no decisions are being rendered because of this discussion.

Discussion took place to move the entrance in conjunction with the entrance to the Bel Castro property and to set the building back to protect the residence from noise and in keeping with the look of the scenic road.

▪ Kalidas Patel Three Family Dwelling:

Discussion took place on Mr. Patel changing his three family rental unit to a three family condominium with separate owners. The Board directed BEP to send the Building Commissioner a letter stating that he does not need to appear before the Planning Board.

▪ JPI Update:

BJS gave the Board an update on JPI. He asked the Board to review the draft decision and Conservation Conditions and provide any comments they may have so that he could bring them to the ZBA.

BJS: Motion to adjourn.

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

Minutes Accepted on: 7-28-2003
(date)

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

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