



BELLINGHAM PLANNING BOARD

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February 22, 2007 Executive Session Meeting Minutes

- **Present at the meeting:**

Brian J. Sutherland (BJS) Chair
Glenn C. Wojcik (GCW), Vice Chair
David Brown (DB) Secretary (not present)
Thomas J. Guerin (TJG),
Roland R. Laprade (RRL),
Stephen Bartha (SB)

Other officials: Stacey J. Wetstein, (SJW) Town Planner
Mary Chaves, (MC) Coordinator

MC called each member for approval of holding a special session. All members voted aye. Dave Brown recused himself from the session.

BJS opened the executive Session at 6:30 PM

Town counsel, Attorney Lee Ambler, requested an executive session to discuss the validity of the Special Permit for Crystal Springs Condominiums. Attorney Ambler informed the Board that the Master Deed dated 3/30/87 stated the right to amend deed and add additional phases went on for 7 years from recording of the deed. On 10/10/2005 there was a revival of right to extend and development. Nothing speaks to the special permit only the development rights.

It is the opinion of Attorney Ambler that the permit has lapsed. The master plan had four phases to be built at certain intervals. The plans shall be submitted in annual phases to the Planning Board. Nothing was ever submitted indicating the substantial completion of phase III. There was an assumption that construction would begin when sewer system was operational. They had the right to reserve capacity in 1991 but never requested it.

Attorney Ambler spoke of a letter in the file from the developer in 1988 stating that development would cease until there was sewer capacity was available. The tone of the letter suggested that there had been some discussion at a Planning Board meeting, but there was nothing on the Agenda or in the minutes that support that insinuation. No sewer capacity was requested when sewer became available.

The Board asked Attorney Ambler about the case law that was cited by Attorney Greenwald, counsel for the applicant. Attorney Ambler stated that he did not see a direct comparison as the Town's bylaw specifically states that significant development must have taken place within twelve months of the Special Permit and Crystal Springs special permit called for annual reports on each phase be delivered to the Planning Board, therefore nullifying the special permit.

Minutes Accepted on:

3/22/2007
(date)Mary Chaves
(prepared by: Mary Chaves)Roland R. LapradeBrian J. Sutherland
Brian J. SutherlandDavid BrownGlenn Wojcik
Glenn WojcikThomas J. Guerin
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