



# BELLINGHAM PLANNING BOARD

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## October 27, 2011 Meeting Minutes

- Present at the Meeting

Patricia M. Buckley (PMB), Chairman (absent)  
Glenn C. Wojcik (GCW), Vice Chairman  
Dave Brown (DB)  
Peter M. Morelli (PMM)  
Peter Pappas (PP) (Secretary)  
Roger Oakley (RO), Associate Member

Other Officials: Stacey J. Wetstein (SJW), Town Planner  
Jay Talerma (JT), Town Counsel

GCW opened the meeting at 7:05pm.

### NorthWoods Security and Lot Release

Michael Doherty, Attorney for developer

The applicant worked with Town Counsel to prepare an acceptable passbook agreement. The passbook agreement allows the lot release for three lots (3,7,8) on the promise of \$250,000 now and the remaining security to be delivered not before any other lots are released.

JT has been working with SJW on revamping the bond agreements in the Subdivision Regulations to be more municipal friendly. In this economy it has been harder for developers to get traditional bond. In this case, Don Dimartino has inspected the roadway and has a good rapport with the developer. 15 lots would remain until the rest of the lots are released. JT is not comfortable releasing more than a few lots at this time, but Don DiMartino felt that if there were problems they could be taken care of with the amount be deposited by the developer.

PMM would like the remaining security to be deposited with the Town before the end of November. Michael Doherty stated that before the end of November, the Town will have the full amount of the bond.

JT is comfortable with it the amount in the current deposit because Don gave him a level of comfort that at least half the bond would cover the rest of the subdivision. At the

beginning when it was more lots, he didn't feel as comfortable, so the agreement was prepared for fewer lots.

Judith Manning, 19 Indian Run Road, stated that if a developer has an issue getting bond then that means there is some issue that the insurance company has identified in the financials of the developer

Michael Doherty stated that that may be true, but in this case the bonding company was prepared to issue the bond, but the company did not like the language of the document prepared by the Town.

There was some discussion about the purpose of the bond and the level of control the Town has over the bond.

PP: Motion to accept the passbook agreement for lots 3, 7, and 8.

PMM: Second.

Vote: 4-0 (GCW, PMM, PP, DB)

PP: Motion release covenants for lots 3, 7, and 8.

PM: Second.

Vote: 4-0 (GCW, PMM, PP, DB)

### **Toll Brothers, Bellingham Estates Bond Release Request**

Mark Kablack, Attorney for developer; Michael C. Fee, Special Council

Mr. Kablack stated that he is requesting on behalf of the developer the full release of the remaining bond money.

JT stated that the process is that the Town defined a certain amount of work and upon the completion of that work the Planning Board can release the bond. The issues regarding the drainage on Fox Run Road and the Morse's may be issues that are not secured by the bond.

PMM asked if the developer has taken care of any issues of the property owners.

Mr. Kablack stated that he was not at liberty to answer that question because he's been instructed to only talk about the issues relative to the bond. PMM wondered if some of the bond should be kept because to fix those issues the Town may need to cut into the road.

RO questioned why the developer differentiating between infrastructure and the project as a whole and that the permit doesn't separate. Mr. Kablack stated that the sole scope of the bond is for the roadway and roadway infrastructure.

Anne Morse, 200 Center Street, stated that their issues began immediately on start of the construction and at that time she filed all the paperwork with the developer and Town officials.

PP questioned whether or not there is security for anything other than the street. Mr. Kablack stated that there is no other security. He stated that the bond may be referencing everything that was shown on the plan as related to drainage.

PP stated that the subdivision regulations state "improvements", not infrastructure and he is not comfortable with improvements only meaning infrastructure. PP suggested doing more research on Form J and continue to the November 10th meeting.

Maureen Macquarie, Fox Run Road, reiterated concerns about the project.

PP: Motion to continue discussion on the bond request for Toll Brothers, Bellingham Estates to November 10, 2011 at 7:00 PM.

PMM: Second.

Vote: 4-0 (GCW, PP, PMM, DB)

PP: Motion to sign the October 13, 2011 minutes.

DB: Second.

Vote: 4-0 (GCW, PP, PMM, DB)

PP: Motion to sign the vouchers.

DB: Second.

Vote: 4-0 (GCW, PP, PMM, DB)

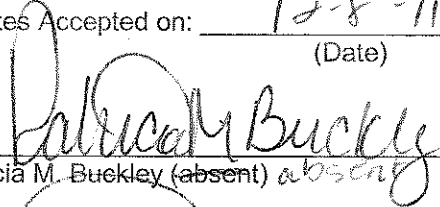
DB: Motion to adjourn.

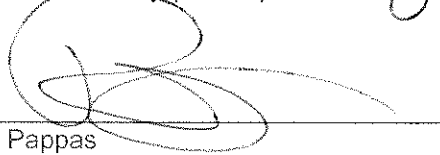
PP: Second.

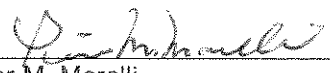
Vote: 4-0 (GCW, PP, PMM, DB)


Minutes Accepted on: \_\_\_\_\_

12-8-11  
(Date)

  
Patricia M. Buckley (absent) *absent*

  
Peter Pappas

  
Peter M. Morelli

  
(Prepared by: Stacey Wetstein)

  
Glenn C. Wojcik

  
Dave Brown