

BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

Minutes of Meeting
Special Meeting
Thursday, September 26, 2019
Lakeview Estates Comprehensive Permit

MEMBERS PRESENT:

James Dunlea (JD)– Vice Chairman
Arturo Paturzo (AP) – Member
Brian T. Salisbury (BTS)– Member
Peter Gabrielle (PG)– Member

ALSO PRESENT:

James S. Kupfer, Town Planner and Zoning Compliance Officer
Laura Renaud, Clerk

ABSENT:

James Jeschke (JJ)- Alternate Member
Joseph Flanagan (JF)- Alternate Member

Lakeview Estates Comprehensive Permit Continuation:

Vice Chairman James Dunlea opened the special meeting at 6:00 PM to discuss the Cease and Desist order which remains in effect.

The Applicant Representatives were:

- Bob Poxon, Site Engineer, Guerriere & Halnon
- Angela Conforti, South Center Realty Attorney
- Michael Harrington, Site Supervisor

Planner/Zoning Officer James Kupfer updated the Board as to what has taken place on site:

- Completion of Basin C
- The applicant supplied photos of the current conditions
- There is some germination
- Basin was modified
- As-built plan was provided
- Contract with the agreement for paving

Planner/Zoning Officer James Kupfer explained there have been 2 items of discussion with this applicant:

- To decide if the board should grant an extension.
- Determine if the items were completed that caused the Cease and Desist Order to be issued. It is the duty of the Board to recommend to the Building Commissioner to lift or keep the Cease and Desist Order.

Town of Bellingham DPW Director, Don DiMartino indicated that he was satisfied with the As-Built plan and Basin C.

Planner/Zoning Officer Kupfer explained that paving at this site is vital. Currently, there is 1 home being framed, 1 foundation in and 3 foundation holes open. There are 5 active permits, 4 submitted permits, 5 permits with approval.

Site Supervisor, Michael Harrington indicated that nothing has been done on site since the Cease and Desist Order was issued. He assured the Board that with the new design this will not happen again. The seeds were installed on site for germination on September 10, 2019 and will be done again for any areas which are sparse. seeds have begun to germinate. It is difficult to see as what there is leftover weeds. DPW Inspector Phil Levro did an inspection on site and saw significant germination.

The Board requested some mechanism put in place for control, so the overflow and failure of the basin won't happen again. There should be the development of a contingency plan in place.

Site Supervisor, Michael Harrington suggested site inspections be set up with the DPW after a heavy rain event. He explained that the germination should work now as nothing can build up and run over the slope.

It was explained by Don Martino that the failure was due to the fact that the outlets couldn't handle that amount of rainfall. He is comfortable with the as-builts.

Planner/Zoning Officer James Kupfer communicated that this was why the town wanted all infrastructure to be completed in Phase 1.

The current outstanding items are:

- Germination of the slope
- Design changes of the basin
- Paving

Vice Chairman, James Dunlea recommended to let the work continue the 5 active permits and hold off on the 4 pending permits.

Attorney Angela Conforti, from South Center Realty asked that the Cease and Desist Order be lifted and allow the pending permits to be reviewed as these applications have families on hold waiting. The applicant asked for a possible special meeting in one week. If the Board will let the applicant take care of the 5 lots and when we return in a week, they can discuss releasing the pending permits. The paving will be done in a week and if not, the Town can pull those permits.

The Attorney communicated that basin C is functioning. The applicant is waiting for the grass to grow. The paving contractor is scheduled.

The Board did have sympathy for the homeowners waiting to move in to their homes but it is the applicant's fault as they did not plan out accordingly.

The Board will make a recommendation to the Building Commissioner to remove the Cease and Desist on the poured foundation and the framed home. At the next meeting the Board will decide on the foundation holes and allow the Building Commissioner to review and activate the permits on hold.

The next meeting is November 7, 2019. The applicant will need to ensure the infrastructure is complete. There will be no additional activity until the November 7th meeting.

On a motion made by Member Dunlea and seconded by Member Salisbury the board voted unanimously to recommend to the Building Commissioner to remove the Cease and Desist Order on the poured foundation and framed home. No other activity shall take place.

Meeting Adjourned at 7:00 PM.

Minutes Accepted on

January 2, 2020
(Date)

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