

BELLINGHAM PLANNING BOARD
TOWN HALL-PLANNING BOARD ROOM
BELLINGHAM, MASSACHUSETTS

Regular Meeting of March 23, 1972

Members Present: James E. Hart Chairman
Sergio Rotatori, Clerk

Joseph G. Cortes
Wilfred P. Arcand

Minutes of the March 9th meeting were unanimously approved as read on a Rotatori-Cortes motion.

George Morin appeared before the Board in regard to recent flooding on Lizotte Drive. Morin disclaimed any responsibility for the flooding stating that the water was coming from Millette's area. Hart questioned Morin as to whether he was to have installed two 36' pipes instead of the present one. Morin stated Frank Prior had said when the back was built a second pipe would be required. Morin said he did not own that land. A second pipe would only take the present flood waters and put it on the other side of Lizotte Drive, and would not help matters. When he built Section I there were no homes on Millette's land. Arcand stated Morin had water coming down from Daniels and questioned why the water was never piped from Lizotte back to Padula's. Morin answered there was never any agreement to do so. He owned the piece of land in back of Padula's and would give it to the town. Water could then be piped to that section where it would eventually settle in. Flooding conditions only come after a severe wet storm and this could take care of the situation. A double pipe would not solve the problem and any engineer would tell you that. Morin further said a double pipe would only take water from one side and put it on the other side. Rotatori stated an engineering study is being asked for at the annual town meeting for the Newland Ave. area. Thomas Gleason asked Morin for the deed to the street so the street could be accepted by the town.

PUBLIC HEARING - Dalpe Rezoning from Residential to Multi-Family - Wrentham Street

Chairman Hart opened the public hearing on the application of Fernand Dalpe to rezone approximately 23 acres of residential land to multi-family. Secretary read the notice as it appeared in the papers. On an Arcand-Cortes motion, meeting was adjourned to the downstairs hall, unanimous.

Approximately fifty people attended as Dalpe showed an outline of the proposed multi-family layout. Twelve apartment per building are planned, with buildings clustered together. 1½ parking spaces per apartment is planned, 88 one bedroom and 44 two bedroom apartments. Perk tests on the land have shown to be excellent with good drainage to take care of the land.

Robert Bousquet of Janet Avenue asked if a street would be put through to Janet Avenue. Dalpe answered they would go

Wilfred P. Arcand *J.R.*

either way. If the people so wished, Wrentham Street would be the only road in or out. Gerry Marchand stated everyone along Wrentham Road was contacted and with the exception of one, they met with no unfavorable responses.

Ray Goyette stated there was an 8" line on Wrentham Street and a 6" line on Lake Street which was not adequate for water and there was not adequate hose and hydrants for multi-family. The town would have to increase our fire and policemen for multi-family, to say nothing of our schools.

Marchand stated they were going to introduce adult living into Bellingham, and as soon as a child reached the age of two they would be evicted. No children would be allowed in the apartments.

Robert Bousquet stated everything they were saying is just supposition and he would never be in favor of opening up Janet Avenue. That this was one of the features of his property when he bought it, that it was on a dead end street.

James King stated the area is all zoned either agricultural or residential and now Dalpe wants to put some 132 odd multi-family homes on Wrentham Road and there is another area on Wrentham Road on Lake and Squire Lane where there is more interest for multi-family dwellings. We have all brought our homes with the area either residential or agricultural. We don't want multi-family homes.

Mrs. DeLucia of Priscilla Road "the Town already allows approx. 1500 units of this type. We all want country type of living.

Our streets are inadequate and are in bad need of repair.

We cannot afford another 132 units. The town's population has tripled in a few years and we cannot afford any more taxes. This type of development does not pay for itself in taxes.

None of the people who will be moving in will be paying taxes.

We have had severe flooding in town, and we can't afford to do anything other than look into sewerage. The more multi-families we approve the more it is going to cost us for sewerage. I don't object to a business man owning a piece of property and making a profit out of it, but not if it is going to cost me more tax money."

Mrs. Loren of Squire Lane asked how the adult living could be guaranteed. There are no laws or by-laws that can make them guarantee there would only be adult living in the units.

Dalpe stated if this is a problem they could put the statement in writing that there would only be adult living. Marchand said they had money invested in the property and the streets will be maintained by ourselves at no cost to the town for snow removal or maintenance, with people coming in by Wrentham Street.

Ralph DeLucia stated that the traffic on Wrentham Road is unbelievable. Marchand responded that since 495 was put in off Pulaski Blvd., traffic has decreased up to 75-80%. His people would be leaving in the morning and coming back in the evening. Most would be working people, middle aged.

Robert Melville stated he owned property that would abut the land, and questioned if his land, if rezoned, could be used for purposes other than multi-family and if his taxes would go

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up.

Consultant Herr stated the land could be used for anything allowed in a residential area plus what can be used in a multi-family zoned area.

DeLucia questioned if it was possible to write in a clause that no children would be allowed in the units. Marchand replied yes. On a voice vote, there was loud opposition to the rezoning, with one man in favor.

Dalpe stated that a project of this kind does pay for itself. If he were to turn around and open up the street, he would probably have room for seventeen homes with children, at an average of 4 children per home. These homes would be more costly to the town.

Judy McKenna stated they had just moved from Woonsocket because they did not want to live in the city. If she had known apartments were being considered she never would have moved here, and asked where the people could go from here. Rotatori stated the rezoning would be before a town meeting. Hart stated the Board's recommendation would have to be made to the rezoning request, and it would be up to the applicant if they want to bring it before a town meeting for approval. The Board would review the plan to see if the plan qualifies with present day zoning and if it is good or bad for the town.

DeLucia questioned why Dalpe wanted to build a skyscraper in a hayfield. Dalpe asked whay he considered a skyscraper. His buildings would not be any higher than the homes in the area, and would be two stories.

On a Rotatori-Cortes motion the public hearing was closed at 9:10 P.M., unanimous.

Joseph Winiker met with the board to further discuss his proposed site for multi-family zoning off Mendon Street. A plan showing a road through the old Penn. Railway right of way to Mendon Street, central sewerage system that is OK'd in six states and all apartments to be one or two bedrooms was presented. A 15,000' lot on Rose Avenue which has never been developed is currently in probate and Winiker stated he has been promised the lot when it is available. This would open up another road through Rose Ave. 468 units were shown on the plan. Arcand stated he would like to hold another public hearing on the proposal as he was not on the Board when the original one was held. Hart said a public hearing has been held but no decision has been reached. Arcand will review the previous minutes. Donald Thayer stated he might be interested in having some of his land rezoned at the same time as Winiker's. Herr suggested Thayer come up with a layout of his land and get together with Winiker to work some agreement. Herr stated he would like some additional time to look the plan over, and that Winiker had come up with the railroad right-of-way and has shown access and egress. Winiker will get specifications on the purfying plant for the Board.

Public hearing on multi-family rezoning on Wrentham Street was

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discussed. On a Rotatori-Arcand motion it was unanimously voted not to recommend the land for rezoning to multi-family. Reason for the denial was that the land did not have the required 70% vacant space, containing only 60%. Dalpe will be notified.

Arcand questioned Consultant Herr on Chapter 40A, Section 80, and asked for his interpretation. Herr answered that the section was put in so that the rules are going to apply equal to everyone that is in a comparable situation. Arcand questioned if this would involve multi-family rezoning within a district that has already been developed. Herr said if the rezoning follows the required regulations, it would be uniform. He didn't think an accusation of spot zoning could be made by stating it has to be a collective street with 70% vacant land.

John Katz presented a plan of BaldHill Estates off Lake Street. with lots containing between 30,000-40,000 sq. ft. with 125' frontage. He would like to build homes \$30,000-\$31,000 on this property and leave the plan as is. Area is zoned Agricultural, and plan was signed in 1963. Hart stated under present zoning it could not be done unless he wanted to go for rezoning to residential district. A date of April 13th at 8:30 P.M. was set to hold a Public Hearing for rezoning approximately 67½ acres of land located on the southeasterly side of Lake Street.

Proposed amendment on Town Houses was discussed. Herr pointed out if this article was adopted it is possible that the same number of units could be built under this section with the advantage of units in such a manner that the land would be better put to use for open spaces and recreation. Herr will draft an answer for the Conservation Committee, in answer to their opposition to town house apartment units with individual deeds.

Lloyd Rhodes questioned if a developer of multi-family units came in and received a permit for 100 units and then sells the land to another developer, does the new developer have to follow the same layout as the original one. Herr answered it would depend on the Board of Appeals. Some Boards make their permits expire on change of ownership and some don't. In either case he has to come before the Board of Appeals. Herr will draft a letter that would make a special permit expire if not utilized before change of ownership for the Board's consideration.

Consultant Herr commented on a recent decision of the courts on subdivision control law. The courts agreed that the Planning Board could impose a time limit on the construction of ways and municipal services within a period of two years or approval would automatically be recinded. This would mean the Board could impose a time limit on a covenant. Herr will

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write up a draft for the Board's consideration to our Rules and Regulations.

Acceptance of streets in Pilgrim Village was discussed. Cortes stated the streets were in bad condition. Arcand stated Sanford Construction should be asked to repair them before the streets are accepted. On a Cortes-Arcand motion, it was unanimously voted to approve acceptance of streets in Pilgrim Village with the provision that Sanford Construction be asked to repair the streets. Arcand will contact Charlie Glenn.

Herr suggested an amendment to the rules and regulations could be made that the developer retain ownership to the street until the bond is released and make it a provision to the release that the title to the street be made to the town at a nominal fee consideration. Streets would then be accepted by the town at the time of their release. A draft will be made.

Herr gave Board members copies of the recent Population Study conducted by his firm. Board will study and make recommendations at Herr's next meeting.

Survey papers on various areas of the Town's municipal organizations and facilities were shown. It was agreed that the single area where the Town was the weakest was in its facilities. On a Rotatori-Cortese motion, it was unanimously agreed to have Herr sent Lloyd Brown forms for our municipal buildings.

On a Cortes-Rotatori motion, it was unanimously voted to pass over Article 26 on Town Houses at the Town meeting.

Arcand reported that the Building Inspector had contacted Town Counsel on the development off Center Street. It was the ruling of Ambler that the development was dead, as the 5 year statute applied.

On a Rotatori-Arcand motion, meeting was adjourned, unanimous.

APPROVED AS READ:

Sergio Rotatori
Wilfred P. Arcand

Respectfully Submitted,

Sergio Rotatori, Clerk