

BELLINGHAM PLANNING BOARD
BELLINGHAM HIGH SCHOOL

Regular Meeting of March 13, 1975

Members Present: Sergio Rotatori, Chairman
James E. Hart, Vice Chairman, Clerk
James A. McElroy
Glen S. Whitten

Chairman Rotatori opened the meeting at 8:00 P.M. and dispensed with the regular order of business.

John Halnon presented a plan of land located on the Southerly side of Overlook Drive bounded northerly by Overlook Drive, easterly by land of Powder Hill Estates, southerly by lands of Schwartz, Halnon, nor or formerly Donahue, McDonald and Johnson, and westerly by Little Tree Lane. Plan is a subdivision of Lots 134 and 135 into Lot 137 containing 30,172 sq. ft. and Lot 136 with 36,209 sq. ft. On a McElroy-Whitten motion the Board voted unanimously to approve the plan of Powder Hill Estates, Maynard Farm Road, Sudbury. Approval not Required.

Roger Belanger presented the Definitive plan of Whispering Pines Cluster Subdivision. Rotatori asked if the situation with William Redman had been settled. Redman told the Board he had reached an agreement with the developer and their attorneys were working out the legal problems. McElroy told Belanger he would like to have something in writing saying this problem had been solved. Belanger told the Board this would be done. Redman thanked the Board and also the Conservation Commission for all their help in getting his problem with the boundary lines solved. Rotatori asked if any boundary lines were going to be changed on the plan. Belanger told the Board there would be no changes on the plan. Board accepted the plans so they could be gone over before the hearing next meeting.

On a McElroy-Hart motion the board took a five minute recess to move into the cafeteria for the next public hearing, unanimous.

PUBLIC HEARING- ANNUAL TOWN MEETING ARTICLES

Chairman Rotatori opened the public hearing at 8:30 P.M. in the Cafeteria. Secretary read the notice as it appeared in the papers. Approximately 17 people in attendance.

Article 8, recodification. Rotatori explained the purpose of the article. No comments from the floor. On a McElroy-Hart motion, the Board voted unanimously to move on to the next article since there were no questions.

Article 9, Mobile Homes definition. Rotatori explained the article. Leo Parent told the Board he had owned three mobil homes in the past 18 years and that there was a bill before Congress right now that will outlaw all the Town's bylaws, and asked how this amendment will effect the present laws on mobile homes. McElroy stated this was strictly a change in definition, and was simply clarifying the definition. Parent said the Town has allowed several trailers in town recently. Rotatori said it

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was a result of action taken by the Board of Appeals. Rotatori stated there has been some confusion in the past between mobile homes and modular homes that come into town on a trailer. Hart stated the Board is still not allowing mobile homes. Rotatori stated you would still have to go before the Zoning Board for a variance for a mobile home. Parent told the Board he had thought the Board was changing the law on mobile homes. Since there were no further questions, Board moved along to next article. Article 10, Administration. McElroy stated this article would be adding more substance and giving more guidance to some of the other Boards in town. John Halnon questioned if the plans must be prepared by a registered engineer. McElroy answered no, but it does require more information on it.

Article 11, storm water retention. Rotatori asked if there were any questions. Halnon stated on this article the Board specified that a registered professional engineer must be used, and asked why you didn't specify the same thing on the previous article. Rotatori stated for the protection of the individual, you have to make sure the plan is prepared accurately. McElroy stated in many cases the plan is so small it would cause a hardship to have to have the plan prepared by a professional. In a storm drain situation an ordinary person probably wouldn't be able to do it. No further questions were asked.

Article 12, Two Business Districts. Rotatori explained B-1 would be where small business districts are and B-2 would be where you would have a shopping center such as Almacs and Zayres in the South. Halnon questioned if there were any provisions for a buffer zone between residential zone and business zone. Wouldn't it be better if there could be some sort of a buffer zone. Hart stated the whole idea of zoning is to have business in a business zone and homes in residential areas. Paula O'Brien asked who decided on the 15' sideline, she did not think it is enough of a buffer. McElroy stated a built-in clause is that a major commercial complex would have to go before the Board of Appeals. They can make any stipulations they want. Just to arbitrarily set up a 100' buffer would be denying the use of a man with his land. In his opinion he did not think a business will only allow a 15' buffer zone. Hart stated the problem that can arise is in a particular piece of land you have to allow a certain amount of land for parking. Halnon stated you are talking about parking area about 30' in total. He has seen instances where the 15' is used as a driveway to go to the back of the store. Hart stated they couldn't go for one case in a hundred, that is why they have to go before the Zoning Board. No further questions.

Article 13, Rezoning to B-2. Article 14, Rezoning to Business. McElroy stated both article were the same. Article 13 is based on the assumption that the two business district article will pass and Article 14 on the assumption that it will not pass. It is the same piece of land.

Mrs. O'Brien asked what the definition of spot zoning was. McElroy stated that was a very difficult question to answer. He could not give an answer on it, only the Attorney General could. Rotatori stated if the article passes than it goes to the Attorney General and he rules on it. Norman Barry asked why a definition

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can't be asked from the Attorney General before the article is written up. McElroy stated every case is reviewed on its own merit according to it's particular case. Mrs. O'Brien asked if the people take the case to the Attorney General. Board answered no, he automatically reviews each article.

Nancy Daniels asked why the gas station is being rezoned.

Rotatori stated the owner asked for the rezoning. Hart stated he was in business before zoning and is there under the grandfather clause. If he is looking for any additional money to expand and goes to a bank and says he is in business under that clause he is under a hardship. It is very difficult for him. Pauline Walsh stated if it is rezoned commercial then he can come through with a larger gas station or tear it down and put in anything that he wants there. Hart stated that was not true he would still have to go through our rules and regulations. Rotatori stated if it were rezoned it doesn't mean he can just put anything he wants there. He cannot build anything more than the land can take.

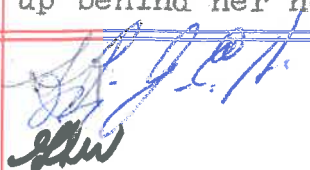
Halnon asked if the area is zoned commercial and a large size commercial complex is proposed and they require storm drainage would they come before the Zoning Board or the Planning Board on it. Hart stated if it is a subdivision they have to come before the Planning Board. Halnon asked if the Planning Board would then have control over drainage, and also the retention area. Board answered yes.

Marleen Eno asked if the land is zoned commercial, what kind of business could be put up. Hart stated he has to go by our rules concerning parking, open space, etc.

Marilyn Douglas stated if the land stays residential, homes could be built and what benefit is that to the town. We could get another Wethersfield in Town. McElroy stated it is precisely thinking like this that we are trying to get in business for taxes. Hart stated the Board was trying to make rules more strigent. What we are doing is for the benefit of the town. Every regulation we are putting in here, we are putting more teeth into the rules. Rotatori stated the Board had a meeting with the IDC recently, and they are looking for industrial land to help the town.

Edward Daniels of Chestnut Street asked in the case of Sonier where there is a gas station and a home on Chestnut Street, if that area were to be rezoned to commercial what would be your limitations to protect the residential homes in that area? Hart stated that is already built up and there is not going to be any changes. Rotatori stated if he were to change businesses, he would have to go 15' from his abutments which he is not now. Daniels questioned how about if he were to tear down the home that is there now and make a large business, it is possible for this business to encompass the entire parcel on the corner. He understood that was a real possibility. McElroy stated he was sure he is smarter than that to tear down a house that he is getting rent on. There is just not that much traffic there for him to tear down the house.

Marleen Eno stated the proposed shopping center would be going up behind her house. She did not understand spot zoning. Does



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an individual have the right to change the zoning on my land. McElroy stated they only have the right to ask for a change, you can vote against it.

Gladys Pachomski of So. Main Street asked if the Board was going to do anything to protect herself and her nine children if the commercial complex goes in. McElroy stated any commercial complex would have to be separated either by a fence, or a dense shrubbery. Mrs. Pachomski asked if anyone has considered what is going to happen to the valuation of their property. McElroy stated in many cases the property value has gone up. Mrs. Pachomski stated they had an additional bonus of a donut shop across the street, They could not take anything more. Roaatori asked if they would prefer houses in the hundreds behing her. She answered she did not know. Rotatori stated he did know one thing they could be sure of, and that was of a new school.

Morton Schafer stated he had spoken to Mr. Valley and he has given his permission to speak for him. He was not able to make the meeting tonight because of illness in the family. Mr. Zhawred is recouperating from an illness and his doctor has forbidden him to go out. He stated he had 140 acres of land involved in the rezoning. This land would give us much more land than for 100 homes. If the land is continued to be used for agricultural purposes, the taxes to the town would be null. He has received correspondances that his prospects are thinking in the area of a 9 million dollar complex. This would assist the town of Bellingham quite a bit in taxes. He would be quite willing to have his realtor visit the people involved and would like to take an option with them for twice the price they paid for their property. He would say anyone with property in the near vicinity would profit quite nicely.

Nancy Daniels stated as a taxpayer, she was sure we are all interested in having more taxes coming into town, but questioned how about in all the other business districts in town. She could not see a large shopping complex coming into Bellingham. McElroy stated they were not talking about a pie in the sky.

The Board has a gentlemen who has a definitive prospect. Schafer stated he was gambling in not having his buyer run out on him. He would then be stuck with business property and not agricultural. If the land is rezoned the taxes will remain the same untill the moment the property goes into commercial use.

Mrs. Daniels asked as a taxpayer how could she vote for anything when she didn't know how this would help reduce her taxes. Will the facts come out at the town meeting. Schafer stated no. If he divulged what the business is and who the people involved are they would pull out. Once the buyer is known, the competition would come in and make me a better offer.

Mrs. Walsh asked if he was the only one who knew who the people involved were. Schafer answered I don't know myself who will be coming in, they are only using a front man.

Halnon stated he was a taxpayer in town and remembered that we had rezoned another piece of property in town that was going to come in with a good shopping center. Nothing happened.

McElroy stated no one has been hurt by it. Just because it happened once, it doesn't mean it will happen again.

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Burt Douglas of So. Main Street told the Board he lived right across from Chestnut Street. If the property is zoned commercial, and there is a hearing, can a developer still come in with an all night pizza parlor. Schafer stated he would guarantee that whoever is willing to pay his price will not be selling pizzas. Mr. Daniels stated he can understand the approach that a business brought in will bring in more taxes, but in some circumstances for some reasons they have cost more than the taxes they bring in. He was thinking of the Framingham belt on Rte. 9. Has any consideration been given that these towns pay a higher tax and they have large businesses. McElroy stated he felt it was the case they these towns give more services. Daniels asked if they were thinking of widening Rte 126, and pointed out the situation in So. Bellingham near Zayre's. Rotatori stated there hasn't been any more traffice there. McElroy stated they didn't have the entrances and egress that would be required in this commercially zoned land. This would help eliminate all the congestion. Mrs. Walsh pointed out the traffic mess at Walnut Shopping Plaza.

Schafer was asked if the economical situation of the present time has changed the possibilities on his land. Schafer stated there were two schools of thought. The land could be bought and all the plans made to be ready when the economical situation is better.

Mr. Barry stated last year the same article was defeated at the town meeting. Where there any facts that might have changed since then. Rotatori stated the area that was proposed last year was much larger and involved more homes. McElroy stated the man has definitive plans for his land and would like to use them.

Barry asked how much land was available for commercial use right now. Hart on Rte 140 there is not that much available and before that there was not much that could be developed.

Mrs. Daniels refered the Board to the cornor of Rte 126 and Hartford Ave. and questioned whether or not this wouldn't be a more desireable piece of land. McElroy stated maybe the owner doesn't want to sell or maybe price could be a factor.

Mrs. Daniels asked if there couldn't be two shopping areas on that same parcel. Board answered yes.

Mr. Daniels said he understood there was also some problem with water drainage. Hart answered they have all been taken care of. Schafer stated the problem has been considered by the county who sent out an engineer. They found a natural retention area on the land could be created and has made a favorable report on the situation. That situation is null and void.

Mrs. O'Brien asked where this land was in respect to Green Acres. She remembered Flurette's land and the potential problem. Schafer stated his land was not there. Only his land has this uniqueness. He would have no problem with water.

Richard Walsh stated he could understand why Schafer would not let it be known who was interested in the land, but questioned if the Board had the right to know. McElroy answered no.

Mr. Daniels asked if the Board has taken into consideration that they should have control over who goes in where. Rotatori

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answered we have control. We know only commercial businesses can go in there. Hart stated if this area is rezoned to business any business can come in as long as they meet the requirements. Mr. Daniels stated a large area around this parcel is used for residential. Did the Board still consider this area a prime commercial area. Hart stated what they are trying to do is keep it all on the main street. Daniels stated the natural flow of things in Bellingham was towards homes not business. McElroy stated the peculiar thing to this piece of land is that Schafer has an interested buyer for commercial use. Rotatori stated no matter where you go in town, you are going to run into homes. Hart stated we have to put business some where. We are trying to keep it off the side streets. Halnon questioned if the Town has a master plan. Board answered no, and there are no plans for one. On a McElroy-Hart motion, the Board voted unanimously to close the hearing at 9:45 P.M.

Reorganization was held. Nominations were asked for Chairman. Hart nominated Rotatori for Chairman, Rotatori seconded the motion with McElroy and Whitten voting against. Secretary asked for nominations for Vice Chairman. Rotatori nominated Hart, with Hart seconding the nomination McElroy and Whitten against. Whitten nominated McElroy for Vice-Chairman with McElroy seconding the nomination. On a Hart-Rotatori motion, Jean Brewer was nominated Secretary with McElroy and Whitten voting for. On a Hart-McElroy motion, Francis Forte was appointed to act as the Board's representative to the Sewerage Study Committee. unanimous. Secretary turned the meeting back to Rotatori.

The following bills were approved on a McElroy-Whitten motion, unanimous:

Philip B. Herr & Associates retainer 1.1/75 through 3/31..\$750.00
Woonsocket Call, advertising amendments\$51.20
Register of Deeds, registration of Whitten.....\$5.00

Hart officially welcomed Glen S. Whitten as Planning Board Member.

Minutes of the February 13, 1975 meeting were approved as read on a McElroy-Hart motion.

Town Moderator Larry Cibley told the Board he had another talk with Town Counsel Ambler and felt it would not be proper for him to allow the Board to add a section on the end of the two business district article. He felt the addition of the last paragraph could go on the special town meeting coming up on April 9th.

Acceptance of streets was discussed. Cibley told the Board Ambler had ruled the Selectmen must hold a hearing at least 7 days before the Town Meeting on the acceptance, the recommendation of the Planning Board must be asked. If the street is

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accepted, the deed has to be given to the Town Clerk within 21 days of the town meeting. If the deed is not received, the street cannot be accepted.

Minutes of the February 27th meeting were approved as read on a Hart-McElroy motion.

Amendments for the annual town meeting were discussed. On a McElroy-Hart motion, the Board voted unanimously to favorably recommend all the article that were on the public hearing tonight with the acception of Paragraph 8 on the two business district. This paragraph will be submitted for the next special.

Bertine Street was discussed. McElroy suggested they wait and make their recommendation on the floor. Rotatori stated they should talk to the Selectmen to see if they have any additional information.

Meeting adjourned at 10:45 P.M. on a Hart-McElroy motion.

APPROVED AS READ:

Respectfully submitted:

Severo Rotatori

James E. Hart, Clerk.

James E. Hart

Sh. White

James E. Hart