

BELLINGHAM PLANNING BOARD
TOWN HALL
BELLINGHAM, MASSACHUSETTS

Regular meeting of May 27, 1976

Members Present: James A. McElroy, Chairman
Sergio Rotatori, Vice-Chairman, Clerk
John P. Murray
Glen S. Whitten

Chairman McElroy opened the meeting at 8:05 PM


Thomas Clark and Robert Cournoyer filed application for approval of the definitive plan on Bellingham Industrial Park. List of abutters and check for \$130 plus the definitive plan and a completed Form C were filed. On a Rotatori-Whitten motion it was unanimously voted to set a public hearing date for June 24, 1976 at 8:30 P.M. Cournoyer told the Board the new plan reflected all the requirements of the Board at the last meeting. Herr took the plans and will report back. Clark took a copy for the Conservation Commission and plan will be filed by them at the Water Board and Board of Health.

Henry Borowski told the Board about a problem on Med Street where a land owner is complaining about a large puddle of water in his yard. Before Med St. was built his land was higher than the road and he had no problem. Rotatori told the Board he knew of the situation and that Gerard Marchand is willing to fill in spot. McElroy told Borowski he did not feel it was within the scope of the Planning Board. Borowski agreed it was not in a subdivision but when the road was built it was at the Planning Board's direction. Rotatori told Borowski if the land owner was willing to talk to Marchand in a nice way, he would be willing to take care of it.

McElroy asked Herr about Chapter 40 Sec 5. Herr stated he felt the Board should make the changes as soon as possible which would be at the next annual town meeting. Right now it is in another study committee but its' status should be known in a short time because the legislature will adjourn. At that time they will draft amendments to go along with the mixed up bill as it is finally settled.

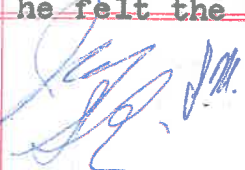
Herr told the Board the subject of public ways and their acceptance as brought up by Town Counsel Ambler is in the process. It was a very complicated issue and he felt when all the considerations were looked at they might want to stand put.

Herr gave the Board an amendment on Multi-family Bedrooms in response to Ambler's suggestion of March 23, 1976. At that time Ambler felt it questionable as to its legality in the form drafted. New proposal would satisfy his objection. McElroy stated he did not feel the new proposal would solve anything as long as the present Zoning Board is sitting.



Herr and Marilyn Gallant showed a drawing of Oak Woods development and the land that had been rezoned for multi-family. Plan showed the land actually used in the special permit. Herr suggested the Board could rezone the remaining multi-family land. The Building Inspector then would not be obliged to recognize that special permit as valid for any further building permits. Construction has to be on a continuous basis and has to be started before six months are up. All that is necessary in order to confirm it would be for someone on the Zoning Board to send the owner a letter that the special permit has expired because construction has been stopped. McElroy stated he would like to see any steps made to limit construction, and questioned Herr if this would be valid under the new laws. Herr answered yes also under the old law. McElroy stated he did not feel the town will be hearing anything further from them. Rotatori stated sewerage means a lot to multi-family if it is passed. Herr stated he felt it would be useful to document that it was the Zoning Board's opinion that activity has stopped. McElroy stated he felt the Board will proceed because we feel that the permit is no longer valid. He did not feel we have to notify them. Rotatori stated he wanted to see it rezoned to agricultural. Board voiced it in favor of proceeding with the rezoning to agricultural from multi-family. Herr pointed out multi-family zoning calls for 500' frontage and 20 acres, and half of it would have to be left as is. McElroy suggested the Board could make a wholly different picture. The 20 acres could include some houses on No. Main Street. Herr will draw up a proposal for the Board.

Herr showed the Board various maps of the town taken from the sewerage study. One map showed areas unsuited for sewerage in yellow, sewerage system currently being proposed in white areas and areas that could be easily developed with sewerage. Murray asked if they could save any land for farming uses only. Herr stated he felt the courts would say you are not giving the people the right to use their land. McElroy told the Board and Herr he would like to see this progressing. The Board has to have a complete story if they are going to make a radical change. He would like to see each member able to answer any questions. Herr stated any places that were now zoned Industrial should stay Industrial. He did not touch them. One map showed a draft of residential policy. Town was divided into Urban - smallest lots, multi family allowed where zoned and restricted rural uses. Suburban - larger lots, no multifamily, and restricted rural uses. Rural - largest lots, no multifamily, and rural uses allowed. No high density areas were added with the exception along Lake Hiawatha. McElroy stated he felt it was the Boards aim to resolve the use restrictions and to restrict the number of homes. He did not want to see the ball dropped for a couple of months, he wanted to see continuous progress. Murray asked Herr why he had included the Lake Hiawathia area in the high density area. Herr told him it was because of the fact the Board already had a plan to do that. Herr told the Board he felt the next step was for the Board to study the maps and



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and at his next meeting he could know where he was to go from here. He suggested the IDC might be contacted to see if there was any land they wanted rezone to industrial. On the multi-family districts the only change would be a deletion on No. Main St.

McElroy asked Herr if the Town could prevent a developer of a new development from hooking up into sewerage until all the old developments have been served. Herr stated this could not be done. He told of a client town that had a development come in on the wrong side of the hill for sewerage and the developer came in with septic systems. The Town turned it down and then the developer came back with a plan showing sewerage which was pumped up over the hill and into the system. The Town turned it down and it is now being brought into court. Everyone agrees it will make money for the lawyers but it will end up with the town maintaining and running the pumping station. In another case a town drew up a map showing spots where sewerage was expected within a certain amount of time and stated you could put in a development there but the developer must lay in the sewerage lines to the end of his property. In other areas where sewerage was not expected for many years they restricted building. A developer came in and put in a development there with the sewerage lines and there was nothing the town could do about it. It is extremely hard once you have sewerage to deny anyone access to it. Herr cited a neighboring town who was having water problems in a new development. The town is going to end up having to provide water and paying for it.

Herr told the Board regarding the multi-family restriction on 3 bedrooms that was first proposed, that 30 or 40 towns in the state have this restriction. It has never been tested in a court in this state. Herr questioned what the reaction of the people would be if their Town Counsel got up and stated in his opinion he felt it was unconstitutional. In many towns the written comment of their Town Counsel is law. Herr stated if the only issue here was that the Special Permit was to be given out by the Appeals Board, then it could be changed so that the Planning Board gives out all the special residential permits. Then the Board might be able to live with such a by-law.

Herr told the Board he would like to hold meetings in different parts of town on the proposed rezoning. He wanted to be sure that what we are suggesting makes sense and to be sure that they are going to be behind us at the town meeting. Murray asked Herr if he was going to revise the white districts of land. Herr replied they will be included in the plan now being proposed. Murray asked if the Board could decide on two areas, Lake Hiawathia and the multi-family district. Herr told him if a special comes up and you want to move quickly the article on Lake Hiawathia is already drawn up. Board reviewed the area around the Lake and Herr told them he would be hesitant in going ahead with it at this time where it is going to be taken care of. McElroy stated there wasn't any more room for any subdivisions. ~~We would be better off in going with the change in restrictions.~~



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Murray asked the Board to consider requesting granite curbing in any new developments that will be coming in. McElroy stated since the town itself does not put it in we cannot tell the contractor to do it. Murray stated he felt it would add to the development. McElroy stated the cost would be just added on to the new home owner. Herr also pointed out granite curbs, sidewalks, and wide streets take away from the rural character of the town.

McElroy told the Board members at the next board meeting he would like to see each member familiar with the currently proposed plan.

Murray asked the Board how they felt about the new middle school being proposed, and asked if the Board could make a statement about it. McElroy stated he did not feel it was the place of the Board to do so. It has not been asked of them.

Minutes of the May 13, 1976 meeting were unanimously approved as read on a Rotatori,-Murray motion.

Meeting adjourned at 10:20 P.M. on a Rotatori-Murray motion.

APPROVED AS READ:

Respectfully submitted:

Sergio Rotatori, Clerk

Sergio Rotatori
John P. Murray