

BELLINGHAM PLANNING BOARD
TOWN HALL
BELLINGHAM, MASSACHUSETTS

Regular meeting of March 10, 1977

Members Present: Gerard Brisson

James McElroy

John Murray

Sergio Rotatori

At the opening of the meeting James McElroy told the other members that it was his opinion that serving two years as chairman was enough time for one member to serve. He was not seeking the chairmanship for another term. Meeting was then turned over to the Secretary for reorganization.

On a Rotatori-Brisson motion, John P. Murray was unanimously elected to serve as Chairman. No other nominations.

On a McElroy-Murray motion, Sergio Rotatori was unanimously elected to serve as Vice-Chairman, Clerk. No other nominations.

On a McElroy-Rotatori motion, Jean Brewer was unanimously elected to serve as Secretary. No other nominations.

Roger Belanger and Walter Morse requested bonding and release of covenant on Harmony Hills off North Street. Board was given copies of a cost analysis done by W.C. McLay Associates, Inc. for completion of the streets and drainage of \$24,928.75. Highway Superintendent Daigle in a letter dated March 2, 1977 stated he was in agreement with the analysis. Letter was received from Town Counsel Ambler stating the bond was proper in form. On a McElroy Rotatori motion the Board voted unanimously to accept the bond from Peerless Insurance Co., Keene, N.H. for \$25,000.00. On a McElroy-Rotatori motion the Board voted unanimously to release the covenant on Harmony Hills.

Belanger requested the Board's approval of nine lots, Approval Not Required on the corner of Hartford Avenue and Grove Streets. Lots are in Agricultural District, and all had 150' frontage and necessary footage. Brisson questioned if Lot 1 would be able to meet the requirements for a septic system. McElroy pointed out the Planning Board had to accept the plans if it met all the Board's specifications. It would be then up to them to meet the other Board's requirements. On a McElroy-Rotatori motion the Board voted unanimously to accept nine lots owned by Pasquale Albano c/o Roger Belanger, Trustee for Monique Development Trust.

PUBLIC HEARING - ARTICLES FOR ANNUAL TOWN MEETING

Chairman Murray opened the public hearing on the four proposed articles to be recommended for the annual town meeting. Approximately twenty people in attendance. Secretary read the notice as it appeared in the papers.

Secretary read Article 7. McElroy pointed out since it is strictly an article calling for renumbering and there were no questions from the floor he made a motion to close the hearing on Article 7 only, Brisson (2), unanimous.

On a McElroy-Brisson motion the Board voted unanimously to take the article under consideration.

Article 8. George Lamoureux told the Board he didn't feel that enough detail as to what areas are involved we spelled out in the notice of hearing. He questioned if it was legal. Murry told him he had consulted with town counsel and was told it was perfectly legal. Lamoureux asked why they specified the two areas in Articles 9 and 10 and not in Article 8. He didn't have any idea that Lake Hiawathia was going to be under consideration until it was pointed out to him. In fairness to all the Board should readvertise and give the areas involved either by street or location of area. Joseph Clinton stated the Board was getting back to the two areas in town that were rejected at the last town meeting. He felt the proposed zoning was going to hurt a lot of people. He asked where the word "Suburban" came from. Murray stated the Board's intentions on rezoning were well known. The Board had held a hearing with all the departments in town invited, and that he had gone before the Finance Committee and the papers had picked it up there. Mrs. Martin asked why did the Board want to rezone and asked if it were spot zoning. Murray pointed out the change in zoning would restrict building not encourage it. Marilyn Gallant told the people that for over a year the Planning Board has been making an analysis of all the districts in town taking into consideration soils, development use, road accessibility, water availability, what would happen if a sewerage system would come in and what would happen if it didn't come in. It became clear that the town rather than just having an agricultural and a residential district there was a third kind of area that was developing different from either of the two. The word suburban was used for lack of a better word. The Lake Hiawathia area was showing up again because after the last town meeting it was clear that more consideration should be given to it. The lake area was being looked at in context with the other rezoning.

Lamoureux questioned the Board on the cost of the presentation by Marilyn. Murray told him it was part of their services and would not cost anything extra.

Lamoureux told the board he did not feel that there have been any environmental changes in the past years and there isn't that much land left to develop on. He questioned how the zoning change from agricultural to suburban would effect the people with large lot areas, would they be able to have animals. Murray stated yest it would be allowed with a special permit. In the last ten years a lot of homes that were once summer cottages were made year-around homes. The Board felt that just wasn't the proper place to raise animals unrestricted. Joseph Clinton questioned what Board would be giving out the permits. McElroy told him the Zoning Board. Murray pointed out that the Board has had people come before them complaining that their neighbors were trying to get even with them for something or another, and had brought in pigs or some other such animals. If you have enough land without upsetting your neighbors you should be able to get a permit.

Sam Preston, Grove Street told the Board he had just under two acres and in his area there are no houses. How would the new zoning effect him? Murray told him it would have no effect on him at all he would still be conforming.

Marilyn pointed out under the new act there are no restrictions on farms over five acres. The state tells us that we have to do things with farms under five acres of land.

Clinton told the audience that the Board is telling them now it is OK, but they should just try to sell their land to someone wlse and find out what happens. He told Murray the only reason why he was doing the rezoning at the Lake was because he was against dogs. Marilyn pointed out the dog officer at the last general meeting raised most of the questions on animals and made most of the suggestions.

Rotatori told the people the reason for the public hearing is to find out how the people of each area feel about the suburban area. If they don't want the rezoning and their neighbors get mad at them and for spite bring in animals they shouldn't come back to us about it. If you want to remain agricultural don't go before the Board of Health, Dog Officer with complaints. Clinton pointed out he had never complained about anyone raising animals just about dog kennels.

Dennis Roy asked to see the rest of the presentation on the article, and Marilyn said basically they were there to answer any questions.

Lamorous stated he didn't see any need for changing the zoning on Chestnut Street. They have never had any problems with livestock - their only problem is with dogs. Lee Fleurette stated the next best thing the Planning Board could do would be to look into a leash law.

Roy stated one of the reasons for the new rezoning was to control growth in the town. He asked the Board to explain what areas are presently not developed, and are there many useful buildable areas that could be developed.

Murray said a lot of area that we are leaving agricultural is not all that suitable for future developments because of drainage, lack of water service and types of roads. It is not just a question of the Board saying we want to stop all growth. Roy questioned what areas are beneficial and able to be developed. Is the Board destroying the value of the land of some property owners by increasing footage. Marilyn pointed out it has been advertised that the Board was going to raise agricultural land up to 80,000 sq. ft. and there is no land owner here tonight to raise any objections to this rezoning. Roy said all he was asking if the Board had looked at wet lands - which were the wet lands and which is land that could be developed. Murray told Roy a soils suitability map was used when doing the rezoning map. The Board was not destroying the value of land, although there might be some smaller lots affected. The Board was trying to discourage building. McElroy pointed out that single lots that do not meet the minimum requirements were protected by law and may be built upon. On a McElroy-Rotatori motion, Board voted unanimously to close hearing on Article 8.

On a McElroy-Rotatori motion, Board voted unanimously to take Article 8 under consideration.

Secretary Read Article 9. Murray recognized Clifford Grover, North Main Street, who asked why the Board was now going to change the multi-family zoning. He has had a contract for three years to develop the land for

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more apartments. There were originally 400 units planned for the land. With the economical situation the apartments were only built as they were needed. Grover pointed out on the map where he expected to build the next units and told the Board he had a lot of money inveted in the sewerage system which could service all of the units called for on the land. The time multi-family should have been objected to was when it was originally rezoned at the town meeting. McElroy asked Grover if he had a contract with the same people that built the original units for more building. Grover answered yes, when the need for more units is there. McElroy told Grover Commonwealth Development had asked the Board for a release from all of the land which indicated they were done building. Grover told the Board the need is not there right now for more apartments. McElroy said the had indicated they had no need to go any further ever. Rotatori told Grover when the multi-family was passed he was Chairman of the Board. Originally there were supposed to be only 10 three bedroom apartments and 14 were put in. Carl Roselund stated when it was first proposed it was under the name of Lansdown Development then it was changed to Commonwealth Development. The proposal was made in three states with 420 units to be constructed seperately. Changes were made in relationship to the number of more than three bedroom units based on the 420 units they were going to be asking for. All of the 3 bedroom or more units were given to them in the first state and they will not be able to get any more. It was also stated that they must come before the Zoning Board before the end of two years. In the beginning he was in favor of multi-family, but based on what exists right now he would not be in favor of extending this type of operation. Before they get any other permits they have to come back before the Zoning Board for another special permit. It has been misrepresented from its presentation. What exists now is not what was presented to us, stated Rotatori, changes have been made from the original plan that were not in the best interest of the town. McElroy told Grover that Commonwealth Development asked for a release stating they had performed all of their obligations. We sent them a letter asking if they were through completely with the project. We have never heard from them since that time. We are taking it that they are finished. Grover told the Board they were only asking for release of what they had built. McElroy told him no, they referred to the covenant. The Board did not know what they are going to do next. They never answered the Board.

Ray told the Board as a member of the Finance Committee he was asking if there was any possibility that this action on rezoning could cost the town any money in future lawsuits. He would be looking from some word from Town Counsel that this possibility didn't exist. Board will look into this. McElroy pointed out the special permits on the property have run out.

Clinton said there has been a question on the 3-4 bedroom units. Does the Building Inspector base their release on plans presented to him. Does he inspect the apartments themselves. Why does the Planning Board state there are more 3 bedroom than permits given for. Doesn't the Planning Board have authority to sign the plans. McElroy stated the Zoning Board has the authority to grant special permits and they have a reputation for being a very good Board in town. They have the authority to grant any variances they deem fit. Roselund stated the Zoning Board first said 10% on the 3 or more bedrooms and at a later date they granted more than the 10%. In any future plans that come before them no more 3 or more bedrooms can be built.

Marilyn pointed out all of the articles deal all areas of town. The Board has recinded subdivisions in the past that had run out, and this action is just following the same policy that the Board set years ago. In 1971 the Board made it policy that if no activity took place on a area of land that was petitioned for rezoning for two years, the Board would take action to have the area rezoned back to its original zone.

On a McElroy-Rotatori motion, the Board unanimously voted to close the hearing on Article 9.

On a McElroy-Rotatori motion, the Board unanimously voted to take the article under consideration.

Article 10. Secretary read the article. Andre Fleurette told the Board the article would affect his parcel of land off Scott Hill Blvd. He asked the Board to exclude his land from the article. 21 acres of the land involved belongs to Fleurette. He told the Board there had been no action on his land at this time but that he did have a prospect that came in just last week. He told the board it would cause him a serious hardship financially if the land were to be rezoned back to agricultural. McElroy pointed out it has been approximately five years since it was rezoned. If the land has not been used for what it was rezoned for we should rezone it back to its original state. Fleurette told the Board he did have some options on his land but because of the economy nothing came of them. McElroy stated the last application for a special permit was denied because of the conditions of the wet lands. Fleurette told the Board it had not been presented in the right way, and they had too many apartments on the land. He asked the Board to reconsider including his land in on the rezoning. McElroy told him if he had anything concrete he would be willing to hear him. Fleurette told him he had nothing in writing, but could tell the Board who the agency was that was looking over the land. Murray stated the Board has had the feeling from the people of town they do not want apartments. Right now we do have a school problem. Fleurette assured the Board it would be apartments of only one or two bedroom units. It would be a high priced apartment complex. He would stand by this. Murray asked if this could be stipulated, and McElroy stated this is the one thing that we cannot regulate on rezoning. McElroy asked Fleurette if he would be developing this land himself. Fleurette answered no, this would be impossible. McElroy stated if it were him personally the Board might be in favor of granting an extension. The Board granted an extension last year and it could go on forever. Fleurette stated 180 odd apartments could be built there. Murray pointed out this could have a big impact on the town. Fleurette stated the Zoning Board of Appeals could enforce strict control to solve this problem of children. It would mean a lot to him if the Board would exclude his property. Building Inspector Borowski told the Board he had received a couple of calls about the multi-family property off So. Main Street and was questioned why the land was being rezoned now. The owner of Riedle's farm had an engineer draw up some kind of plans. That was the last he had heard of it. McElroy pointed out there was a time limit issued on the special permit that had run out.

On a Rotatori-Brisson motion Board voted unanimously to close the hearing on article 10.

On a Rotatori-Brisson motion the Board voted unanimously to take the article under advisement.

On a McElroy-Rotatori motion the Board voted unanimously to close the public hearing at 10:00 P.M.

Board discussed the moritorium on subdivision. McElroy said the Board could set up their own committee for such a moritorium, instead of using a funded survey. He felt the Board could work with the School Committee and Sewer Commissioners to come up with the necessary information. Murray said at the last meeting the Board had a long discussion with Phil Herr. Herr was asked to tell the Board what he would be looking for, what the survey was going to do and accomplish. Murray said the Board wanted to give Herr a chance to give us an idea of what he was going to do with the surveu.

Board discussed the articles under consideration for the annual town meeting.

On a McElroy-Rotatori motion, the Board voted unanimously to recommend Article 7 since it dealt only with renumbering.

Article 8 was discussed. Murray stated he was not aware of what 2b really meant. Someone could buy a house and put in a sportsman club in a residential zone. Board agreeded it would be better to leave the whole of "b" out of Article 8. On a McElroy-Brisson motion the Board voted unanimously to recommend Article 8 at the town meeting as written with the exception that 2 b be eliminated entirely.

Article 9 was discussed, and it was suggest the article be kept under advise-ment until the Board heard from Town Counsel regarding the town's liability on the rezoning. It was then brought out the Board would not be holding another meeting before the start of the town meeting. On a Rotatori-McElroy motion the Board voted unanimously to recommend Article 9 at the Town Meeting subject to the advice of Town Counsel. McElroy to discuss situation with Ambler on March 15th.

Article 10 was discussed. Rotatori stated if the Board were go along with Fleurette's request of eliminating his parcel from the rezoning, you would have to do it for everyone. McElroy pointed out the Board did go along with him last year and nothing has happened on the land. On a Rotatori-McElroy motion the board voted unanimously to recommend Article 10 at the town meeting.

Meeting adjourned at 11:15 on a Brisson-McElroy motion, unanimously

APPROVED AS READ:

Respectfully submitted:

Sergio Rotatori, Clerk

