

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, MASSACHUSETTS

Regular Meeting of June 14, 1979

Members Present: John P. Murray, Chairman

Sergio Rotatori, Vice Chairman, Clerk

Gerald R. Brisson

Normand Langlais

Carl R. Rosenlund

Chairman Murray opened the meeting at 8:00 P.M.

William J. Rooney, Jr. an attorney representing Marcelle Belisle told the Board his client, Marcelle Belisle, wished to purchase a house located on Lot 17 on Barrett Lane off Hixon Street. In researching the title she had discovered that the lot had never been released. In research the files it was discovered that Lots 3-10 inclusive and 16-19 inclusive had been released by the Board on May 26, 1977. Board gave a copy of the release to Rooney who will have it recorded and will send the Board a copy of the date of recording.


Roger Belanger met with the Board regarding planting material to be used on Harmany Hills Estates. He showed the Board pictures of Bittersweet vines and junipers that are located off Rte 20, in Marlboro. Board agreed that in the front of Lot #14 on Lynn Court that they would use 45 bittersweet vines. Belanger showed the Board a sample of the vine in question, and stated the vines would be on a 2-3' spread. On Lot 25 on Irene Court Board agreed that Junipers would be used since it was the lesser of the slopes. If the plants were to "walk" Belanger stated he did not want to be held responsible for replacing them. Belanger again suggested that the Board accept a \$2,000 escrow, which is the estimate that he received for putting in a wall, and allowing him to try covering the area along the telephone cable area. He would put in bittersweet vines along the 90' wide area following the natural slope of the land. Board agreed to go along with his proposal, with the exception that the \$2,000 escrow would cover all three areas involved. Board could then hold the \$2,000 for one or two years to be sure all plantings took. If the vines did not take near the cables a wall could then be built. Rotatori stated the Board would go along with the vines in that area as the Selectmen do not want to maintain a wall.

The area on the right hand side of Irene Court coming off North Street was discussed. Rosenlund stated the hay is pretty thick and Brisson felt there were a lot of big stones showing. Belanger suggested just cutting the hay and loaming and seeding the bare spots. He questioned who is going to maintain it once it is seeded. Brisson just wanted to get it looking clean. Board agreed that Belanger would cut the grass one more time, pick up the bolders and fill in the dead spots with loam and mixed rye seed.

On a Rosenlund-Rotatori motion the Board voted unanimously to the following:

- 1) Lot #14 on Lynn Court to be covered with 45 bitter sweet vines, 2-3' spread
- 2) Lot #25 on Irene Court to be covered with 12 Pfizer junipers 18-24' spread
- 3) On the right hand side of Irene Court a planting of bitter sweet vines covering approximately an area 90' long to be planted along the telephone cable area.
- 4) On the right hand side of Irene Court just as you enter from North Street will be mowed, bolders and large rocks to be picked out and dead spots filled in with loam and mixed rye seed planted.
- 5) A cash escrow of \$2,000.00 is to be given to the Town to cover the first three items. If the plantings of bittersweet vines do not work out in Item #3, a stone wall will be erected.

A letter will be sent to Belanger confirming the vote of the Board.



Belanger went over with the Board the other areas of the subdivision that the Board wanted corrected. Street signs were up, fee to the street turned over to the Selectmen and an as build plan has been received.

On a Brisson-Langlais motion the Board voted unanimously to pay the following bills; Woonsocket Call, \$28.00 for advertising rezoning hearing and Milford Daily News covering hearing costs on rezoning in the amount of \$26.40. Philip B. Herr & Associates, 25 copies of subdivision regulations, \$57.70.

PUBLIC HEARING - REZONING OF PULASKI BOULEVARD

Chairman Murray called the public hearing on Pulaski Boulevard to order at 8:30 P.M. Secretary read the notice as it appeared in the papers. Approximately 25 people in attendance.

Member Gerald Brisson stepped down as member of the Board stating he was the engineer on record of the proposal.

Brisson spoke on behalf of the petitioners Fernand Dalpe and Gerald A. Marchand. Assessors maps showing the area advertised was shown along with a drawing of the proposed skating rink building. Brisson stated the rezoning from residential district to the B-2 district would bring the current drive-in theatre into a conforming use. In all there was approximately 15 acres involved along with the land of Ed Brisson. The land where the skating rink would be located has passed the perk testing. An artist concept of the building, parking and location of building was shown. Dalpe explained that the site was chosen because it was easily accessible to Woonsocket, Cumberland, Blackstone as well as being able to serve Bellingham. All skating rinks have a dress code that are strictly enforced. Rolling skating is a going sport right now for both kids and adults. It is a fun family sport. The place will be policed in and out. Hours proposed would be from 6:30 P.M. to 10:30 PM and on Saturdays and Sundays from 1:30 P.M. to 4:30 P.M. and 6:30 P.M. to 10:30 P.M..

Chairman Murray asked if anyone else wanted to speak in favor of the rezoning. Linda Burke asked if they could stop the speeding on Pulaski Blvd, and was answered by Dalpe that it would be impossible to police the whole street. Burke felt that the skating rink in Milford had quite a bit of trouble with liquor. Marchand stated he had gone to the police in Milford and they had found that there there has been no liquor or drugs in the rink. Burke stated that Bill Donaghue, who has an office right above the rink in Milford, was saying just the opposite. Marchand stated there has been some disturbances in the parking lot.

David Tuttle stated that this was a hearing to rezone an area not to see if a skating rink would go in. He questioned why there is already an article on the next special town meeting for the rezoning. He felt that Brisson should not have participated in the meetings as he was the consulting engineer for the project and that Langlais was a son in law to Ed Brisson who had some land up for rezoning. Brisson was also Ed Brisson's nephew. Brisson stated he was doing the engineering on the job and is not acting as a member of the Board. Langlais stated his father in law did own a parcel of land next to the propose rink but felt he did have the right to be heard for the rezoning. He told Tuttle that he might have a potential for a conflict of interest, but was not going to abstain from voting. With Brisson not a member of the Board, and the Chairman not voting, if he were to step down that would only leave two members voting. Murray stated he did not feel that being a son in law is significant. Just living in the same town, it is extremely difficult not being involved in matters.

Tuttle stated according to the report in the Milford News on the April 26th meeting things were pretty much set. Rosenlund stated the first time Dalpe and Marchand came before the Board a hearing date was set, but then the Board

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changed their minds and cancelled the public hearing. Marchand stated they had come into the first meeting totally unprepared and subsequently we had to come back with more information. Langlais stated he was the main reason why the hearing was rescinded. It was his contention that there was some other pieces of business in that area that could be made conforming and once the boundaries were set in advertising you could not enlarge the area. He did not feel he has been very easy on this point. Tuttle said he would like to come back with something larger than this parcel according to the reports. Murray stated the reason why the hearing was cancelled was that the Board wanted to look at the whole area in question and discuss it with the Board's consultant. Which they did do. Langlais stated since there are a lot of non-conforming areas on that street now, he did not want to offend them by not proposing their land for rezoning.

Mrs. David Tuttle stated all the businesses were there on the street before zoning. They had fought hard to protect their land from rezoning before. This is the third time that this area has been up for rezoning. The majority of the people are all against it. I live on Liberty Street at the end. The noise that she gets from the drive-in now is terrible. It was there before they moved in so they cannot do anything about it. But they can fight against something like this coming up now. She stated she was speaking for the majority of her neighbors. Murray stated he did not know it had come up for rezoning before. After discussion it was decided that a variance had been asked not rezoning.

Murray stated that there was the tennis court, the drive in and that the rink is a lot less offensive than a lot of businesses. He questioned Mrs. Tuttle if she would want to build her home right next to the drive-in.

Marchand stated just a few years ago the town was looking for places for teens to go. He would prefer to provide entertainment for his kids right in town than to have them go out of town and to have them picked up for loitering. The traffic leaving can be policed to a certain extent.


Langlais asked Dalpe if he was suggesting that they would have two policemen at all times. Dalpe stated he would police it as much as he had to. Marchand stated they would have at least one policeman on the premises at all times. Madeline Dalpe stated she was a matron at the high schools. She was all in favor of a rolling skating rink in town. When you are talking about a rink you are talking about kids. She skated and so do her kids. While they are at the rink they are supervised. They let off a lot of energy, why not let them skate. There are drugs and there are drinking problems right now in town. The people who are going to put up the rink are local people. They are business men with a lot to lose. They have to live in town. She stated that she was a sister in law to Dalpe and a cousin to Marchand. She again stated he felt the rink would be good for the kids.

Rosenlund stated he would like to direct his question to the residents in that area. Was here a reason why nothing has been built there. If it was a good residential area why hasn't something been built there. Mrs. Tuttle stated the lot is on a swamp. There is a big well on the land which is usually filled with water. She did not think it would be a good place for homes.

Langlais stated there has been all kinds of problems in buying this land and it has been a turn off in selling the lot. The price is also a factor.

Rotatori stated one person came before the Board to build two houses and he could not get a perk test.

Brisson told the Board the land passed the perk test in May of 1978. Quite a bit of fill would have to be brought in to build a house. The soil is adaptable for a septic system. The water table is 5' below the surface of the ground.



Langlais pointed out that the grade on top of the embankment will be the finished grade according to the plan. The land slopes towards the street. The building slab will be 5' higher than the street.

Brisson pointed out that the building will be 110' wide X 150' deep and will be 100' off the street. 85 parking spaces are provided for. The lot is in back of the drive-in. There will be trees in the front of the lot which will be kept up. He stated he will also be a neighbor to the rink and wanted to be sure it was a good design.

Murray stated if the rink were to be built, the owners will have to come back before the Board with a site plan review.

Mrs. Flynn of Roberts Street stated she was used to kids. She stated she was against the rezoning now because she liked the street the way it is. She did not want to see the traffic any heavier. She has heard nothing good about roller skating rinks. The kids all say there are a lot of problems there.

Rosenlund stated there is 300' of frontage besides the rink and the drive-in. There could be another commercial building put up.

Brisson stated as a neighbor, that particular piece of land is an eyesore and has been ever since he could remember. The amount of money necessary to bring in fill for homes would make it unfeasible to build from a financial point.

Langlais stated he could not see someone with a single home but could if they were to bring in multi-family. Brisson stated he felt that 6,000 yards of fill would be necessary for this project.

Mrs. Flynn questioned if Dalpe had considered any other sites for his project. She was told they owned the land and wanted to put in a rink. They had looked into the site.

Sandra Kelly stated she was an abuttor on Pulaski Blvd. and did not want to see any more business going in. Brisson pointed out there was a buffer zone of 250' between her property and the rezoning proposal. Kelly questioned what the capacity of the rink would be and was told by Dalpe around 250 people.

Mrs. Tuttle questioned if the rezoning could be considered spot zoning, and was told by Rosenlund no, it was not. To rezone only one parcel would be spot zoning.

Fran Newton of Saddleback Hill Road stated that all the buildings going up in town are not very pretty and do not add to the town. South Bellingham has been turned into something all asphalt looking. These people are concerned with the looks of the project. Langlais stated that you do not get from where we are now to where you want to go overnight. The Board cannot insist on the design. He was not sure that the drawing being shown tonight would be pleasing to the eye. Mrs. Tuttle stated she was not concerned with looks. She was surprised with Brisson being in favor of the project with his niece home being so close. With the school in the area, they have problems already with kids.


This will only bring in more problems. Langlais questioned if she were frustrated at what is going on in the neighborhood. A private venture is usually policed very well. They have to be in order to stay in business.

Rita Godbout stated she knew for a fact that the windows in the schools are being broken even during the daytime. It is not the drive-in kids that are doing it. Marchand stated the rink will give the children something to do.

Richard Mancini stated it was only a small amount of children that are doing the damage. He felt the idea of a rink was a good one.

Mrs. Flynn questioned if the rink was going to be air conditioned for the summer. Dalpe stated he was not sure, they were just in the talking stage.

Mrs. Tuttle stated there was noise from the theatre already. This would only add to it. Dalpe stated the noise would be contained within the building.



Tuttle stated a petition came before the Planning Board and then the Board took it on its own to expand it. Marchand stated what they were seeing tonight was what was asked for originally. They asked for only three parcels. Tuttle questioned whether or not it was the usual practice of the Board to make a field trip to the site. Rosenlund stated he did not make one with the other board members. Langlasi stated the trips are usually on subdivisions only. Tuttle stated the Board seemed to indicate in the town reports that they made field trips. The drive-in is currently a non-conforming use. If they were to go out of business we might have a very different use of that land. If the land were to be changed now to B-2 he felt it would be a very detrimental change. Not all commercial areas are being used. If it sits there forever it is up to the owner of the land. You are going to have a traffic situation. There is going to have to be a lot of ill in that parcel. He questioned if the conservation committee has been contacted on it. Murray stated the conservation people are only concerned when the building starts. Tuttle stated anything in the B-2 District would be more offensive to him than the drive-in.

Mrs. Tuttle stated these people bought the land knowing it is in a residential area. Marchand stated that they had researched it and this was the nicest piece of land for a rink that was reasonable. The drive-in doesn't run in the winter time. The area isn't going to be more congested than it is now. Murray stated he knew some people in the neighborhood that are for the zoning. Most people who come out are against.


Tuttle stated a lot of land in Bellingham has been rezoned to commercial and it is sitting empty; nothing has happened there. We have vacant commercial land in town. The Board shouldn't change it to B-2 unless they are sure of what they are doing. Murray stated that in his opinion the drive-in is the most offensive use of the B-2 area.

Langlais told Tuttle the Board is not saying to rezone the area. Tuttle told the Board that they have sponsored the article on the special town meeting. Your Board has said you want to rezone it. Rotatori told Tuttle the Board is holding the hearing so that the people who are applying for this rezoning can have their chance for rezoning. The facts are that there is already a drive-in there, there is a rink going in if it is rezoned, we are holding the public hearing and it has to go before the town meeting. The people will decide what they want. There is really no more commercial land in South Bellingham to build on.

Mrs. Kelly stated since the land is already zoned residential why doesn't it stay that way. Murray stated everyone has the right to request a rezoning. If you are not in favor of the rezoning, go to the town meeting and vote against it.

Flynn asked if the object of the hearing wasn't to hear the public. Rotatori stated we are hearing the people. Dalpe and Marchand would like to set up a business there. They have just as much right to rezone as the next one. They live in this town all of their lives and he felt they have the right to go before the townspeople.

Tuttle stated a zoning change is a very serious thing. It can be a mysterious thing when the abutators don't receive any notice about the public hearing. He did not think the Board should play any games with the partitioners. Murray questioned Tuttle if he lived within the site of the proposed area. Tuttle stated he felt you have something that would degrade his property, and questioned if the Board really had faith in the rink being built. Rotatori stated the Board wanted to rezone Rte 140 and when it was brought before the people, it was turned down. That was the reason why Mendon just across the town line got Whitten Industries and all their taxes. It is a chance



that you take with rezoning. The Board has no control over the design. Mrs. Tuttle stated that she hoped that friendships did not enter into this. She questioned what would happen if the rezoning did not go thru. Marchand stated no one has any guarantees in life.

Langlais told Mrs. Tuttle the Board had gone over the matter of guarantees of what will be built if a property were rezoned. It would be a great expense to the town. To try to get a guarantee legally would be very expensive. It doesn't seem to be the logical thing to do.

Tuttle questioned what the Board's consultant had to say on the rezoning.

Langlais stated the consultant recommended the zoning as it is now.

Mrs. Tuttle questioned why the three parcels had to be rezoned. Langlais stated that spot zoning was talked about with the consultant. With only one parcel it could be spot zoning. There was quite a bit of discussion of more land for rezoning. The parcel being proposed is what came as a result of much discussion.

Brisson stated that his parcel was designed and engineered in 1975 and it passed all requirements. Mrs. Tuttle stated that the Conservation Committee stopped some people from filling in at one time. Brisson stated that was not on their piece of land. Roselund stated the Conservation Commission comes into being when the building is proposed. If someone would want to put in a business there on the third lot and there are restrictions, they would not be able to build on it.

There was no further discussions for or against.

On a Rotatori-Rosenlund motion the Board voted unanimously to close the public hearing.

Murray called a recess for a ten minute break.

Murray called the meeting back to order at 10:35P.M.

Rosenlund stated that he was prepared to vote on the rezoning request since the town meeting would be held before the next Board meeting, and recommended that the board make a decision on the rezoning. Roselund made the motion, stating he could not consider whether or not he thought the rink was going thru, and was considering the question of rezoning from residential to commercial based on his own knowledge of the rezoning and the area, he would vote against the rezoning at the town meeting. Rotatori(2) the motion with Langlais voting against the rezoning and Murray opposed to the motion. The Board would recommend that the rezoning article be passed over at the town meeting. Rotatori stated it can be brought to the town meeting and be heard. Tuttle stated that the Town Moderator will call on the Planning Board and since the Planning Board will recommend the article be passed over, it will not be heard. He thanked the Board for their considerations and felt they had acted wisely.

Gerald Brisson came back on the Board as member. Discussion was held on the North Main Street shopping center. Board reviewed the plans that were dropped off by Engineer Bob Cournoyer earlier in the evening. The Board voted to send a letter to Thomas Clark, owner stating the following things still remained to be shown on the plans.

- 1) Dumpsters to be located on the plan in the area that they will be stored.
- 2) Loading areas for the stores to be designated on the plan.
- 3) Revision dates to be placed on the plans each time the plan is revised.
- 4) Handicap parking to be shown on the plan.
- 5) Slope from Phase I to proposed Phase V in back to be rip rap.

Clark to be notified of the Board's meeting nights.



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Discussion was held on the summer schedule. On a Brisson-Langlais motion the Board will meet only on the fourth Thursdays in the month of July and August, regular schedule of the second and fourth Thursdays to resume in September. Town Clerk to be notified.

Paul Farrell of Rakeville Circle told the Board that the developers are trying to eliminate the sidewalk. He questioned if the cost of the sidewalks, finished coat and berms would be covered by the bond that was posted. Secretary will check with the Town Treasurer to be sure if the bond is still good.

Letter will be sent to the developers asking them when they intend on completing the street since all of the lots are now developed.

Meeting adjourned at 11:45 P.M. on a Brisson-Rotatori motion.

Respectfully submitted,


Sergio Rotatori, Clerk