

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM MASSACHUSETTS

Regular Meeting of March 27, 1980

Members Present: John P. Murray, Chairman
Sergio Rotatori, Vice Chairman
James F. Brennan
Gerald R. Brisson
Carl R. Rosenlund

Vice Chairman Rotatori opened the meeting at 7:40 p.m. in the absence of Chairman Murray.

On a Rosenlund-Brisson motion the following bills were unanimously approved for payment.

Milford Daily News - Mechanic St. rezoning
Woonsocket, Call, " " "
Milford Daily News - zoning amendments
Woonsocket Call " "

Peter M. Schultz spoke with the Board saying he was a real estate agent representing Granite State Bank on the subdivision off Blackstone Street, Steeves Village. He told the Board there were four undeveloped lots and he had been hired by the bank to place a value on them. He asked if the road as it now stands would be acceptable by the town, and if there was a bond being held by the town on the road. Brisson told Schultz that there was a covenant on the road and that no bond had been placed with the town. Brisson stated that street sign, sidewalk on one side, berms with loam in back, street bounds, and as-built plan still have to be completed. It was agreed by the Board to meet with Schultz on the following Monday, March 31st, at 5:30 p.m. at the site to actually see the road and what has to be done to comply with the Boards' rules and regulations. Secretary will get in touch with Highway Superintendent Daigle to see if he could also be present at that time.

Gerald R. Brisson stepped down as member of the Board.

Brisson presented an approval-not required plan of land located on Pulaski Blvd. Brisson told the Board that land had been added to the original lot where the roller skating rink was being proposed. Board reviewed the plan and unanimously approved the plan on a Rosenlund-Rotatori motion.

A Site Plan Review of the proposed roller skating rink was discussed. Consultant Philip B. Herr brought out that the by-laws say that you should have ground floor plans. Without these plans the Board would only be guessing. Brisson told the Board that Building Inspector Borowski had copies of the floor plan that should have been left with the Board. Review will be further discussed later in the evening when the floor plans were present.

Gerald R. Brisson came back as Board member.

PUBLIC HEARING - PROPOSED AMENDMENTS TO THE ZONING BY-LAWS

Chairman Murray opened the public hearing at 8:30 p.m. and the Secretary read the notice as it appeared in the papers. Approximately 7 people in attendance.



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Board reviewed each amendment.

Brennan questioned Consultant Herr as to the purpose of the article on the Architectural Barriers Board. Herr stated it was only to let the people know that there are requirements to be met from the architectural barriers board and that they have to follow their rules and regulations. Amendment extending a penalty to 81-P violations was discussed. Herr stated that the Planning Board is obligated to endorse a subdivision of land as long as it is not a subdivision. In some cases even though there is enough frontage for two lots, it does not have enough footage. The Board still has to sign the plan under an Approval Not Required Plan. This amendment would bring a penalty to zoning violations like the above. Rosenlund stated that the Board should still put a notation indicating that compliance with the zoning by-law has not been determined. Amendment to the building code reference would delete all references to specific sections of the Building Code. This would avoid any future confusion and also constant amendment changes when the code is renumbered. Site Plan Review amendment to revise the procedure to make it clearer and also to assure that the Water Department gets a copy of the plan and also to make the Inspector of Buildings responsible for distribution of copies of the plans. Brisson questioned if the Building Inspector was clear on what has to happen to a site plan review. It was suggested and agreed that the following change would be made "1421. Applications for permits for construction, if resulting in a total of 20 or more parking spaces on the premises, shall be accompanied by seven prints of the plans." This should make it clear to the Building Inspector that copies of all the plans are required.

There were no comments or questions from the floor.


On a Brennan-Rosenlund motion public hearing was closed at 8:55 P.M.

On a Rosenlund-Brennan motion it was unanimously voted to recommend all four amendments to the Zoning By-law as amended, and to put them on the next special town meeting for action.

PUBLIC HEARING - REZONING B-1 AND AGRICULTURAL DISTRICT TO INDUSTRIAL DISTRICT

Chairman Murray called the hearing to order at 9:00 p.m. Secretary read the notice as it appeared in the papers. Approximately fourteen people in attendance.

Thomas Clark, South Main Street, spoke stating he was requesting that approx. 11 acres of land on the south side of Mechanic Street that is currently zoned as B-1 in the front and Agricultural in the back be changed to Industrial District. He told the board that a cabinet shop wanted to buy the land and locate there. Since it would be a manufacturing shop it would have to be rezoned to industrial district. Brennan questioned Clark as to where the shop would be located. Clark pointed out the location. Brennan questioned if he needed the whole parcel rezoned. Clark stated that it did not matter to him as long as he had half of the land rezoned. Brisson questioned Clark if he might want to put in a small road with a cul de sac and put in a couple of



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industrial lots. Clark stated that could be for the future. Brennan pointed out that manufacturing is also allowed in a B-1 district. Clark told the Board it would come under the heading of light manufacturing but they would have no on site sales. Rosenlund stated that Clark wanted the rezoning to industrial right now only to allow a cabinet shop to locate. Clark agreeded saying he would need 5 to 6 acres at least.

Murray asked for comments from the floor.

Arturo Paturzo of 165 Mechanic Street told the Board he was in opposition. He lived next to the vacant lot. They had to call the Board of Health about running sewerage coming from the house next to the pond. The land in back was being stripped of top soil and Clark does not have a permit. No one seems to be able to do anything about it. There is also a truck terminal that has running trucks there at all hours of the night. No one can do anything about that either. Clark told the Board that if there were any violations about that he could do nothing about it. The buildings do not belong to him. Rosenlund stated he felt they should concern themselves with the issue at hand, the rezoning. Murray agreeded saying he knew there is some opposition to the metal buildings but there was nothing that the Board could do about that issue. Steve Fitzpatrick stated that if they were going to put in a woodworking shop, he felt it would be quite noisy. He wanted to do what he could do about not letting industry in the back.

Paturzo questioned if a permit was supposed to be issued when the land is being stripped. Clark told him that he had a permit at the building inspector's office. Paturzo felt that the land should be rebuilt after it is stripped. Murray pointed out that a cabinet shop could locate there under B-1 zoning as long as it is selling 50% or more of its product on the location. Consultant pointed out on a map how much of the land is already zoned B-1. Clark pointed out where his land abutted the already existing industrial land. Paturzo questioned Clark if his permit was to build or to strip. Clark stated it was to remove excess loam. Herr pointed out that stripping is permitted by a permit of the Zoning Board of Appeals.


Herr pointed out that he hasn't heard anything about why this particular land is being rezoned. People are questioning the people who are doing the building. The main concern should be the land itself, the egress, the fact that it is next to industrial land, People should be concerned with drainage, what the soil is like. Rezoning should be done on the basis of the land, owners change. The only thing you are going to see on that land is going to be little.

Paturzo pointed out that the proposed building is going to be put on the lowest part of the land. It is mostly under water.

John Brown, 164 Mechanic Street stated that the land was stripped but if they are going to put something on it that would be OK. The land just keeps on getting a bigger mess. There is already a lot of industrial land in town. He had no objection to industry but not the way it is being done there.

Aldo Rubrigi, 176 Mechanic Street told the Board he had nothing against industry. He welcomed industry but does it have to be put in front of homes. An industrial area goes on 24 hours a day.

Murray pointed out to Rubrigi that a truck terminal could be located next to his home. Someone could also buy the land across the street on the corner. Rosenlund questioned Clark if he had any long range plans on what he hopes to get into the area if it is rezoned. He felt sure that Clark would want to utilize all of the land, not just a portion. Clark stated that if he would



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put in a road he would be looking at 1,000 feet of road. He could probably get 4 to 5 lots out of the whole parcel.

Fitzgerald questioned if the proposed road would be paved. Clark answered yes. Rubrigi stated that he was not aware that his land was zoned for industry. He found this out at the last meeting of the Board. He questioned how this could have been done without his knowledge. He stated he had been in the service for a number of years, and it could have been done at that time.

Murray asked if anyone else had any new additional comments to make and there were none.


On a Rosenlund-Rotatori motion it was unanimously voted to close the public hearing at 9:30 p.m.

Brennan made a motion not to have the Board recommend the rezoning article. He felt that the town has ample amounts of industrial zoned land and did not feel that it would be an advantage to the town, but rather would be a personal gain for the land owner. He also commented that he felt it would be a detriment to the neighborhood. Brisson seconded the motion, vote was unanimous not to recommend the rezoning to industrial.

Brennan pointed out that on Mechanic Street, the land has been rezoned to either B-1 or B-2 back 400'. Could the zoning be rewritten to end at the property line or at 400' whichever is the greater. Herr told the Board there are a number of complications if you try to do this. Is the depth of the lots to be as they now stand or what it might be in the future. He did not know if this type of zoning would buy very much except complexity. Brennan stated his only idea would be that this might encourage business in depth rather than have it strung out on the street only. Something could also be put in writing that you have to have some sort of a buffer zone for the homes. Rotatori pointed out that when the rezoning was being considered, Rte 140 already had quite a few business lots already operating.

Gerald Brisson stepped down as Board member.

Marchand gave the Board a copy of the building plans on the proposed skating rink off Pulaski Blvd. Board reviewed the drawings. Fernand Dalpe pointed out where the observation area, lobby, locker space, skating space, etc were going to be located. Traffic flow was reviewed. Concern was expressed over the smooth flow especially at those times when the rink was letting out and all of the parents show up at the same time for pick-ups. Marchand stated that they would have policemen to control the traffic. It would be to their advantage not to have any traffic problems. Herr reviewed the plans and stated he had no problems with the design but did have trouble with the moving of the traffic. He also felt there wasn't much to be done about it. Rosenlund made a motion to recommend the plans as submitted to the Building Inspector and recommend that he issue building permits, Rotatori (2) the motion. Brennan stated that he would go along with it with reservations. Pulaski Blvd. is bad on traffic now. There were going to be problems in 10-15 years. Vote was unanimous. Rotatori pointed out that Pulaski Blvd. had also been reviewed for rezoning to business but it was felt that it could never develop much more than it is now. Herr stated parking was OK. Letter was received from the Water Department dated March 26, 1980 stating they were not opposed to the plans. Two letters were received from the Board of Health. The first dated March 25th stating that no recommendations



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were forthcoming until the floor plans were received. Second letter dated March 27, 1980 stated that they had no objections to the site plan as submitted, i.e., perk test, etc, but before final approval for a building permit was given that they needed further specifications including the floor plans for the proposed snack bar. Letter was received from the Fire Department dated March 27, 1980 stated they were not prepared to make recommendations until a full set of floor plans were received. Their only concern was to be sure that adequate space be allowed for use of emergency vehicles in the event of a fire and/or rescue work.

Gerald Brisson came back on the Board as member.

Proposed subdivision of two lots off Center Street were discussed. Herr told the Board he had walked the land that evening and it looked as though the subdivision was simply a paper device to satisfy the frontage of the zoning by-laws. He questioned why this person should get two lots if he only has enough frontage for one lot. Brisson pointed out that the engineer had been before the Board with a preliminary plan and that had shown where you could get four duplex on that land. Rosenlund stated he was concerned with the road being extended in the back at a future time. Murray stated the reason why he was willing to go along with the proposed plan was the fact that he could possibly put in four duplexes. Herr stated that it was not a pretty land, it looks like an old gravel pit, and that the trees had been all cut down. Brennan questioned if it wasn't the intent of the state to discourage private ways. Herr stated his concern was what is going to happen down the road when another plan comes in like this. He was worried more about setting a precedent that what was going to happen in this particular case. If you have rules you should live by them.

Herr gave the Board a proposed amendment on the definition of sign area. He pointed out this was the best they could do without making a major overhaul.

An amendment to allow mobile homes as permanent residences for the elderly was also presented. Board will review at a later date.

A brief outline on water resource protection for Bellingham was given to the Board.

Herr brought out that he was concerned with the stripping issue on Mechanic Street. If loam has been removed from the premises, it should concern the board. If you have a group of people state at a public hearing that stripping is going on, it is difficult to ignore it. The Board should look into it further.

Board reorganized on a Rotatori-Brisson motion, unanimous.

On a Rotatori/Rosenlund motion, the Board unanimously voted to appoint John P. Murray as Chairman

On a Rotatori/Rosenlund motion, the Board unanimously voted to appoint Gerald Brisson, Vice-Chairman/Clerk.

On a Rotatori/Brisson motion the Board unanimously voted to appoint Jean Brewer as Secretary.

Meeting adjourned at 11:10 p.m. on a Brennan-Rotatori motion.

Respectfully submitted,


Sergio Rotatori, Vice Chairman, Clerk