

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM MASSACHUSETTS

Regular Meeting of June 26, 1980

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

Chairman Murray opened the meeting at 7:50 p.m.

On a Rotatori-Rosenlund motion it was unanimously voted to approve the following bills:

John P. Murray, Travel expenses
Gerald R. Brisson, Travel expenses
Jean E. Brewer, telephone calls to P. Herr
Postmaster Boston, 15¢ stamps and postcards.....
Postmaster Boston, P.O. Box rental.....\$16.00
Mass Federation Planning Boards dues 7/1/80-6/30/81.....\$50.00

Plan of land on Mechanic Street that was submitted to Thomas Clark at the last meeting was reviewed with the Board and Consultant Philip B. Herr. Original plan of 4 lots dated May 25, 1978 and later plan dated May 10, 1979 which created Lot 9 and a 50' strip of land between next lot was discussed. Rosenlund pointed out if the Board were to go along with Clark's suggestion and sign the plan dated May, 1980 and he then comes before the Zoning Board of Appeals for a variance, that Board would be hard put to deny him. Herr felt it was a self-inflicted hardship created by Clark, not the Planning Board. The Board should not have signed the plan dated May 10th. Rosenlund did not see the necessity of the Board having to sign the newest plan. Both Brisson and Herr agreed that all Clark had to do was to have a surveyor's statement on the plan that there are no new lines added to the plan. The Registry would then accept the plan for recording. Board agreed that a letter should be sent to Clark outlining that his plan could be recorded by having a surveyor's statement. His other alternative would be to designate the lot as a non-buildable lot or show where the lot has other frontage.

Member Gerald Brisson stepped down as Board Member.

Gerald Marchand and Fern Dalpe spoke with the Board regarding Rakeville Estates. They told the Board that everything has been completed except for the submission of an as-built plan and boundary markers. Highway Superintendent Daigle had inspected the road and had given it his OK. Letter of approval from the Water Dept. has not been sent as they could not locate the shut-off valve for one of the houses. Dalpe stated that they were all installed and inspected by the Water Dept. at that time, this was only a matter of locating the shut-off. Engineer Brisson stated that there were around 20 bounds to be put in which would come to around \$500-\$700 cost. Marchand told the Board that the original check was for \$10,000 which was deposited in a savings account by the Town Treasurer and that there was around \$2400 of interest in the account with the original amount. Marchand requested that the Board release all but \$2,000 of the account, which would cover the cost of the bounds and as-built plans. This would enable him to pay off his paving contractor. Secretary told the Board that verbal approval of the road was given by the Highway Superintendent and that a letter was in the mail. On a Rotatori-Rosenlund motion it was unanimously voted to retain \$2,000 and authorize Town Treasurer Trudeau to release the remaining money. Letter will be sent to the Town Treasurer.

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Attorney Paul P. Baillargeon told the Board that he was representing Gerald Marchand and Fernand Dalpe and Fore Court Tennis Club. A request had been sought from the Board of Selectmen for a permit to open a skating rink at the site of the Fore Court Tennis Club on Pulaski Blvd. At that time it was brought out that it was felt a site plan review had to be presented to the Planning Board. Building Inspector Borowski sat in on the meeting. Gerald Brisson presented a plan dated May 27, 1980. No new additions will be added. The adjacent two lots had been bought by Skateville for additional parking. The septic system was noted on the existing lot and they felt it was more than adequate for a skating rink. Borowski told the board that the building cannot be touched. The plan is requesting 187 parking spaces. With that amount it is permitted only in a B-2 zone and the tennis club is in a B-1 zone. He would issue an occupancy permit for 100 parking spaces. Consultant Phil Herr pointed out that the Planning Board is the permit granting authority under the site plan review. Baillargeon stated that going with our by-laws he would need 800 spaces for 1200 skaters and he did not feel that this was a reasonable figure. Kids are dropped off and picked up later. Murray stated that at the last meeting he felt that .08 spaces was not a reasonable figure. Baillargeon pointed out Sec. 3310 e) stated that parking requirements can be reduced under special circumstances. He felt this was the reason why the Board of Selectmen told them to go before the Planning Board for a site plan review. Herr stated if the plan is a major commercial complex, then it needs a special permit. If a site plan is approved they would still have to go before the ZBA. Town Counsel pointed out Sec 2300 which states that existing, non-conforming structures or uses may be altered or changed in use on Special Permit from the ZBA. Ambler felt the proposed change is a change in use which would require a Special Permit from the ZBA. The reduction in the number of spaces would go before the Planning Board. Murray questioned if it really was a change in use. Herr felt the questioned could be debated by everyone concerned, but he felt it had been determined by Town Counsel that the use has been altered. The final decision is made by the Building Inspector and no other Board. Whether this plan is an indoor commercial recreation or is it categorized as a major commercial complex. This could not be answered by the Planning Board. Town Counsel advised this issue should be determined by the Building Inspector and/or Board of Appeals. Herr felt the issue before the Planning Board right now is if this plan is sufficient for a site plan review and second if there are any other issues that the Board should review. The only thing that the Board has any authority on is the site plan review. A site plan is first submitted to the Building Inspector then the Inspector gives it to the Planning Board the Board then reviews it and reports back to the Building Inspector. Murray questioned if this plan is submitted to the Board as a major commercial complex, does the Board have to make a determination if the zoning is right. Herr stated if the Board observes a zoning violation, they they can flag it to the Inspector. Baillargeon questioned Borowski if they could open for 120 people for the roller skating rink. Borowski answered yes, he will issue an occupancy permit for up to 120 people for that building. Once they go over the 100 parking spaces they have to go into another zone, as a major commercial complex. Baillargeon stated that they did not need any more parking spaces than what was already there. Herr questioned if they were proposing 170 spaces and was told yes. Herr then stated that they were then in a major commercial complex. Herr suggested that they make application for

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what they want, submit it to the Building Inspector and then the Inspector will submit it to the Planning Board. You can then make application to the Planning Board for a Special Permit under Sec. 3310 e).

Maurice Morin of Fore Court Tennis Club told the Board that at the last site for the skating rink there were 103 parking spaces with 1,132 people and the building was smaller than what the tennis club is now. This figure was based on experience in other rinks in the area. He questioned if the Board felt it should go for rezoning to B-2. Rosenlund stated in his opinion it would solve all their problems. No matter what the Building Inspector does it will be appealed.

Herr suggested if they do decide to go before the town meeting they should consider operating on words and not on the zoning map change.

Murray pointed out if they go for a special permit they need a public hearing and if they go for a zoning amendment they also need a public hearing.

Board agreeded to set up a tentative public hearing at the next meeting at 8:00 p.m. once a decision is made which way they want to go, with the provision that the necessary paper work is made by the applicant.

Gerald R. Brisson came back as Planning Board member.

Richard Baker of Volmer Associates told the Board he was reviewing the town to establish a new Flood Hazard Boundary Map for the Federal Insurance Administration. He showed the Board maps of the town and stated that the purpose was to increase awareness of the flood prone areas and to prevent enroachment of development in the danger area. He told the Board they had good information along the Charles River area, but did not have very much on the other areas in town. The current flood maps do not have any elevations. He has to submit his preliminary work to his superiors by mid-July. Once the final map is done the town has to approve it or if it does not approve it the town residents would not be eligible for the cheaper flood insurance. He told the Board he would be interested in the addition of any new subdivisions that are not shown, pictures of any flood damages in the past. The final map will not be ready until next spring. Herr told Baker of some maps that he has in his office that might be of some use.

Gerald R. Brisson stepped down as Planning Board member.

Attorney Paul Baillargeon told the Board he had consulted with his clients and they wanted to make application for a hearing to modigy the parking requirements under Sec. 3310 e). They felt that skating would still constitute an indoor recreational use. The only thing that makes this a major commercial complex would be over 100 parking spaces. If they did not get the special permit then they would go for the town meeting. Herr suggested that they could do both things simultaneously. Both things need a public hearing. Borowski stated the questions is going to be raised by the neighbors of where the cars over the 100 number are going to park. Brennan questioned the sqare footage of the building saying that they will be asking the Planning Board to create a solution for the parking but theproblem with the building is still there. Baillargeon stated that the building was in non-conformity with 27000 sq. ft. Rosenlund questioned why they wanted to go both ways. Baillargeon stated if the Planning Board decides in favor of the special permit they will not need a town meeting. On a Rosenlund/Brennan motion, the Board voted unanimously to set up a public hearing on July 24, 1980 at 8:00 p.m. providing the applicant can make the application in time for advertising.

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Gerald R. Brisson came back on the Board as member.

Consultant Herr gave the Board an outline on the initial effort feasible within a budget of \$4,000 in order to start protection of the town's water supply. Rosenlund stated that the key to the whole program would be to get the departments working together. Members agreed that a meeting will be set up for sometime later in the fall.

Herr gave the board a proposed amendment on sign maintenance as well as to help clarify sign permit and nonconformancy issues. Brennan questioned Herr regarding political signs. He felt everyone is under the impression that you cannot have political signs in town. He questioned where this was pointed out. Herr stated the by-laws do not state political signs as such, but Sec. 3100 lists the signs that are permitted and political signs are not listed. Since it doesn't allow them they are prohibited.

The subject of flea market signs was brought up. Herr stated that this would come under the heading of a temporary sign. A lot of communities are controlling the problem of these signs thru the licenses. Such as if the signs are not removed within a certain time no further licenses are issued.

Meeting was adjourned at 10:40p.m. on a Rotatori-Rosenlund motion.

Respectfully submitted,

Gerald R. Brisson

Gerald R. Brisson
Clerk