

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM MASSACHUSETTS

Regular meeting of September 25, 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 7:45 P.M.

Dick Silvera spoke with the Board saying he was from the U.S. General Accounting Office. His office has been charged with the task of looking at federal programs to see if they are economical and if they could be better run. His office was to help Congress in setting up some sort of an energy conservation program as it pertains to land use. There have been 20 towns selected in Massachusetts for this study. Towns were picked at random. Things they would be interested in were to see if the zoning laws allow for cluster housing whereby there would be less miles of road, putting housing close to the industrial district to cut down on driving. He would like to sit down on a one to one basis with someone from the Board to discuss questions. It is his task to determine what the state and/or federal government can do to make energy a consideration in the town's planning. What incentives could the federal government give.

Rosenlund suggested that Silvera contact the MAPC to get their input on the subject. It was agreed that James Brennan would meet with Silvera outside of a regular meeting night to discuss on a one to one basis the guidelines on the federal programs.

William Ballou, Pulaski Blvd, showed the board an approval not required plan of land located on Pulaski Blvd. A small triangle of land approx. 7.0 sq. ft. was to be added to his land (Unit A) from his neighbors' land (Unit B). Ballou stated that the land had recently been surveyed and part of his driveway was found to be on his neighbor's land. Both lots are in a non-conforming situation. Rosenlund questioned if frontage could be taken from one lot to give to another lot since this would be reducing the frontage of the first lot to a more non-conforming situation. Consultant Herr pointed out Sec. 2530 which states that non-conforming lots can be changed in size so long as the change does not increase the actual or potential number of buildable lots. Rotatori pointed out that both lots have houses already located on them. On a Brennan-Rotatori motion the plan was unanimously approved as presented.

Discussion was held with

Letters from the Conservation Commission, Fire Chief and Water Department were read.

Brisson stated he was very concerned with the drainage problems. Consultant Herr stated he remembered long ago that the neighbors were complaining about flooded basements. The water problems seem to be all surface water. Brisson suggested that plans be brought in showing the drainage coming right up to Rte 140. Herr felt that french drains were installed on the homes, and that the problem was corrected, but he was not sure.

Brisson questioned the abrupt turn on the corner and questioned if the degree could be changed to make it a safer road. Economically it would not cost any more. Engineer would try to draw up new plans.

Question of number of lots on a dead end road was discussed. Herr stated that

the requirement of the subdivision laws could be waived but it should not be done until a public hearing on the subdivision has been held.

A date of October 9, 1980 at 8:15 P.M. was set up for further discussion

Fernwood Estates were discussed with developer. Herr pointed out that the road was being built on a rather steep piece of land as indicated on the plan. There were 16 lots on a single access road. Outside of a Board waiver for a dead-end road, they could go out to Rte 140. Herr also suggested that the road be extended to the end of the property line on Murray questioned Herr if there was any way that the Board could get assurances that condominium duplex homes will readily be built. Herr stated what was built on the lots had nothing to do with the Planning Board.

Vern Brown requested that a waiver of the sidewalks from South Main St. for a distance of about 300'. He also told the Board that Massachusetts Electric will not put in their lines underground as stipulated in the regulations. Developer Brown told the Board that they had looked into putting in single lots and could gain 7 or 8 more single lots but that the land development costs just made it unfeasible.

Brisson discussed Lot #5 and the cul-de-sac. From both the developer and the town's point of view, it did not seem like such a good idea for such a cul-de-sac. A water retention area for the whole subdivision seem likely. The cul-de-sac was probably just put in to satisfy the requirement of the number of lots on a dead end. For the cost of loosing this cul-de-sac and only loosing one lot, the developer would come out ahead. It has to be a consideration of what is going to happen with all of the water.

The Board stated they were concerned about the past history of duplex housing in town. Herr was questioned if there was some sort of a compromise that the Board could make with the developer to insure that the duplex houses would not be low rental subsidized units. Some sort of a covenant agreement from the developer that the duplex houses will be sold only as condominiums. Herr pointed out that if the Board obliged the developer to put in every minor thing and gave no waivers all the Board would be accomplishing would be to make the developer take away from the quality of the housing. That would not serve the town. Quality of structures cannot be guaranteed. There is the possibility of a covenant that would go with the land that in consideration of waiving certain conditions, that the developer would guarantee that they will sell the duplex housing as condominiums.

Vern Brown stated that their idea of creating a condominium complex would be to guarantee better maintenance. Each owner would pay into the association who in turn would maintain the area.

Brisson told Brown he wanted a more detailed drainage study and would like to see the cul-de-sac eliminated. Sidewalks should be shown. He did not feel that a waiver of the 300' would be a good idea since it is right in front of South Main Street and that street has walks. Walks should be shown and at the hearing for the definitive plan it can be requested.

Contractor Joseph Johnson stated that he has a house already being built on So. Main Street. He needs the Board's approval of this condominium concept as the bank will not loan money as a condominium duplex until he has an approved definitive plan. Herr stated that the Board is looking for a water retention area for the subdivision. They are skeptical whether or not the cul-de-sac is necessary. It would be up to the developer if they want to come in with a definitive plan. Herr explained that a public hearing has to be set up with has to be advertised at least fourteen days in advance of the hearing. Once a decision

is made there is an appeal period of 20 days from date of filing with the Town Clerk. It is not a fast process.

Town House Concept Zoning was discussed. Herr stated that these units are structures that have more than two structural units within the same complex. They can take on a variety of shapes. From the view point of energy savings it is a good idea. Common walls are more economical and there is less street area for the town to maintain. It is not a concept that should be rushed into for the next special town meeting.

Brown told the Board this was their original idea but that there were no provisions in the town's by-laws to allow them to do it.

Herr stated it would be up to them if they wanted to wait for this zoning to go pass. It would have to be approved at a town meeting.

Herr pointed out that the developer should get in touch with the Conservation Commission. Since the developer knows the feelings of the Board it would be up to them if they want to submit a definitive plan at this time.

Thomas Clark showed the Board an approval not required plan of two lots in his industrial park. The change is being made as one of the buildings is too close to the side lot line. It was pointed out that the buildings are not shown on the plan. Board agreed if Clark got the buildings outlined on the plan that they would sign the plan before the next meeting. Motion was made by Brisson and (2nd) by Brennan, unanimous.

Board discussed release of the remaining bond on Clark's Industrial Park. Brisson questioned why Clark did not put in berms on the road. Clark told the Board he had 2 1/2" berms and had talked with Highway Superintendent and was told this was OK. Brisson stated that he did not feel they would last the winter. The road would then start to crumble. Clark stated it was a matter of economics. It would have cost him \$6,000.00. He was asking for the Board to waive the berms now for him. Brisson told him the time for seeking a waiver was before he was building the road. Rosenlund told Clark he went along with Brisson with regard to the berms. Clark pointed out that his industrial park was giving the town tax money without asking for services. There were no school children to educate. On a Brennan-Rosenlund motion it was unanimously voted to table the matter until all of the Board members could see the project.

Rosenlund questioned Clark on a sign at his new entrance to the Shopping Plaza. He had been contacted by the Ass't Bldg Inspector that Clerk wanted to put in a sign at the new entrance. It was not shown on the site plan review. In fact at that time it was brought out by Herr if Clark wanted to put in a new sign he should show it on the plan. Clark stated he had no intentions of putting up a new sign. Herr stated that a sign could effect the visibility of the road. He would be making a material change in putting up a sign. All Clark has to do is come in with an amended site plan showing the height and width of the proposed plan.

Herr suggested that the Board place on the agenda some of its own articles. Rosenlund suggested that time be made for Herr on his nights.

Solar zoning was discussed briefly. Herr stated that he did not think that Bellingham with such a low density had any real need of such zoning. Most of the shading is done by ground covering. Most solar zoning has to do with restricting the height of buildings. He would doubt if the town meeting would

Bellingham Planning Board
September 25, 1980
Page Four

ever approve a law that would force a man to cut down a tree to suit the needs of his neighbor.

Board requested that Herr look into the addition of a registered land surveyor to sec. 1422. Herr stated that by state law any building over 35,000 sq. ft. must have a registered architecture or engineer sign the plan. It is felt in order to understand a site plan, you need to be able to understand what goes on inside the building. Herr felt that the whole issue of a site plan review should be placed on the Board's agenda to be looked at.

On a Rosenlund-Rotatori motion it was unanimously voted to approve a bill for \$1800 to Philip B. Herr & Associates for consultant services from July 1st thru December 31, 1980.

Meeting was adjourned at 12:01 AM on a Brennan-Rosenlund motion.

Respectfully submitted,



Gerald R. Brisson, Clerk