

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, MASS.

Regular Meeting, February 12, 1981

Members Present: John P. Murray, Chairman
Gerald Brisson
Sergio Rotatori
Carl Rosenlund

The meeting was opened at 7:40 P. M. by G. Brisson

On a Rosenlund/Rotatori motion, the following bills were unanimously approved for payment:

Salary - Secretary, Joan King February.....\$76.66
Consultant' Services, Oct. - Dec., 1980.....\$900.00

A letter of resignation, effective February 28, 1981 was submitted by Board Secretary, Joan King. The matter was tabled for review later in the meeting.

Zoning Board of Appeals Chairman, William W. Austin came before the Board to honor Planning Board Member, Carl Rosenlund with a plaque for his years of service to the Zoning Board. Mr. Rosenlund accepted the plaque and expressed his appreciation and thanks to the Zoning Board.

On a Rosenlund/Brisson motion, the resignation of Secretary, Joan King was unanimously accepted, with regret. Mr. Rosenlund suggested that a letter be send to former applicant, Jean Canelli, asking her to appear at the next meeting of the Board, February 26, 1981, if she were still interested in the position. He also suggested that a notice be posted in the Town Hall, advertising the vacancy.

Mr. A. Peturzo of Mechanic Street spoke to the Board concerning Truckadyne, a trucking operation on Route 140. He asked if this operation was considered illegal at this point. Carl Rosenlund said that he felt that a trucking terminal was being operated at this site. John Murray defined a trucking terminal as premises for the parking and/or servicing of commercial vehicles.

Mr. Eugene Currie of 167 Mechanic Street asked if there were five or more spaces in a residential area, shouldn't there be some type of a screening device, so that the appearance is not so offensive.

Carl Rosenlund said that he disagreed with the interpretation of the By-Laws. Mr. Peturzo thought the By-Laws were alright as written. Rosenlund stated that there was a little more involved in this particular instance. Mr. Peturzo said that Truckadyne's interpretation is that it operates as a

dispatch office, not a truck terminal. Mr. William Austin, of the Zoning Board of Appeals interprets the word "accessory" as a minor extension of a business and said that he feels that this application seems to be a major use. Mr. Currie stated that Lee Ambler interpreted it as "parking" and that has been under investigation ever since.

Chairman John Murray told those present that if they wish to disagree with the interpretation, they should appear before the Zoning Board of Appeals. Mr. Austin agreed that any disagreement with an interpretation of the By-Laws must be filed with the Zoning Board of Appeals. Carl Rosenlund said that he felt that the terminology defining Transportation Terminals as shown in Section 2400 under Accessory Uses and Industrial Uses was conflicting.

Mr. Austin said that the Town Counsel made an interpretation and the Building Inspector agrees, however the Zoning Board of Appeals can reverse the decision of the Zoning Agent.

At 8:30 P. M. on a Murray, /Rosenlund motion, the Public Hearing on Brookside Estates was re-opened and continued until 8:45 P. M. with all members in favor.

At 8:30 P. M. Vern Brown of 1157 South Main Street approached the Board with an Approval Not Required Plan for property location on the Easterly Side of South Main St. between property of First Baptist Church of Bellingham and other land of Verne Brown. On a Rosenlund/Brisson motion, it was unanimously voted to sign the plan.

At 8:45 P. M., Chairman Murray re-opened the Public Hearing on Brookside Estates.

Mr. Vincent Thayer said that his surveyor has come up with a plan to eliminate any future problems with the neighbors regarding drainage and said that he believes this plan should satisfy everybody concerned. He said that a member of the Conservation Commission looked at the area on a Saturday morning and re-iterated that he is not going to be the builder of any houses on this land.

Mr. Brisson said that to his knowledge, any filing that may be required by the Conservation Commission has nothing to do with the Planning Board acting on this Plan.

Paul Robinson of Millis, Mr. Thayer's surveyor, presented a plan of a detailed study of what takes place downstream on this plan. Mr. Thayer suggested that Mr. Robinson show the neighbors present this new proposal.

Mrs. Clementine Kutcher of 4 Thayer Road questioned Mr. Robinson as to his new plans. Carl Rosenlund asked Mrs. Kutcher if all the water problems she had experienced came from the brook and she answered "Yes".

Louis and Leslie Tortora spoke to the Board and stated that on any rainy day, they have water problems both on their lawn and in their basement. Mr. Thayer asked the Tortora's if they were speaking about the Grant's property and associated water problems and they answered "Yes". Mr. Thayer stated that on the new plan, a sidewalk and berms will encircle the Grant property and will take care of current surface water problems.

Mr. Tortora said that there is a field directly behind his property which has a manhole, to which a pipe leads from his house to this field. He said that in wet weather, the water backs up into his basement, rather than going out this pipe to the field.

Mrs. Kutcher questioned whether there were enough catch basins planned to take care of all the water and Mr. Robinson said that there were. Mr. William Kutcher of Thayer St. asked if there was any way to accomodate Mr. Tortora's house and problem. Mrs. Tortora said that even though the field next to them had a slanted slope, water still comes into their yard.

Chairman, John Murray stated that the Planning Board's concern was not to add to the problems that already exist.

Mrs. Kutcher said that her concern was with whoever built the new homes - were they to be made responsible for adequate septic tanks. Carl Rosenlund stated that the Planning Board could not give guaranties as to what future boards, such as the Board of Health, Highway Dept. will do.

Paul Robinson explained that the plan, as designed, will take care of surface water. Mr. Kutcher and Mrs. Tortora wanted to know who will be responsible if this plan does not work.

Mr. Thayer explained that he was aware of water problems at Grant's property, but was not aware of problems at the Tortora's.

Mr. Brisson explained to Mr. Tortora that this new plan should help his problem, not make it worse.

Carl Rosenlund asked Mr. Arcand of the Conservation Commission if he had walked the property and Mr. Arcand said that he did not. He said that the Conservation Commission's concern was mainly with the brook.

Mrs. Kutcher pointed out that in a draught such as we are in now, it is still very wet in the area. Mr. Tortora said that he would like somebody to be responsible for saying to him that they will be responsible for correcting the problem if it gets worse.

John Murray said that before the Planning Board accepted this plan, they would discuss it with their consultant, Phil Herr. Mr. Brisson stated that Paul Robinson has presented the plan and drainage calculations and these will be gone over with Phil Herr. Mr. Thayer pointed out that if Phil Herr does not recommend this plan, the Planning Board will not sign the plan.

Mr. Tortora asked Mr. Robinson if he was prepared to make a statement now. He also asked Mr. Robinson if he was aware of the problem of the whole area and Mr. Robinson said that he was not.

Mr. Thayer said that the vacant lot in the back of Tortora's property was the lowest point in the area and Mr. Tortora agreed that it was.

Carl Rosenlund asked if all the drainage for the new construction would be channeled out and nothing added to the existing drainage and Paul Robinson said that it was channeled away from the area.

Mr. Rotatori suggested that perhaps a 24" pipe might be too small and that perhaps a 36" pipe might be more desirable. Mr. Robinson said that according to his calculations, a 24" pipe would be adequate but that if the Board required a 36" pipe, it would be provided. Mr. Robinson suggested that since the board would have its' consultant, Phil Herr go over these plans, it would be best to wait for his comments. John Murray instructed the Secretary to make Phil Herr aware of the new plans and drainage calculations before the next meeting, February 26, 1981.

Mr. Arcand asked about an easement for the maintenance of the brook. Mr. Brisson asked Mr. Arcand if the Conservation Commission made any attempts, in similar situations regarding increase in peak flow. Mr. Arcand could not answer but said that he advised Mr. Thayer that he would have to provide the Conservation Commission with a Letter of Intent.

Mr. Brisson asked Mr. Robinson if they had done anything regarding the re-design of the 10% grade on Woodside Lane. Mr. Robinson said that the new plan showed no change in that regard.

Mr. Kutcher asked Mr. Thayer how many houses were proposed and what lot size and Mr. Thayer said that 16 were proposed.

John Murray suggested that perhaps the sidewalk, as proposed, be made part of the plan which could not be waived. Carl Rosenlund stated that it appeared evident that Mr. Thayer has made an effort to correct his neighbor's problems.

At 9:45 P. M., on a Rosenlund/Rotatori motion, it was unanimously voted to continue this hearing until 8:30 P. M., February 26, 1981.

At 10:00 P. M., on a Murray/Brisson motion, it was unanimously voted to adjourn the meeting.

Respectfully submitted,



Gerald Brisson
Clerk