

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, MA.

Regular meeting - April 23, 1981

Members present

Gerald Brisson, Chairman
Carl Rosenlund, Vice Chairman
Joan King
Sergio Rotatori
John Murray

Chairman Gerald Brisson called the meeting to order at 7:36 PM. Members went through the mail. Correspondence was received from the Finance Committee suggesting that if the Planning Board felt strongly about their secretary's salary increase that perhaps the Board would take a cut in pay. The secretary was directed to write to the Finance Committee and state that after study of the proposed budget the Planning Board feels that it would not be advisable to take any funds from the Public Hearing account and, therefore, there will be no increase in the clerk's salary. On a Joan King/Sergio Rotatori motion it was unanimously voted to pay the bills of: \$900 to Phil Herr; \$66.50 to the Woonsocket Call; \$76.66 for the secretary's salary.

Mr. Vincent Thayer approached the Board at 7:53 PM for approval of the plans for Brookside Estates. Mr. Rosenlund asked if the covenant was drawn up with Mr. Herr. Mr. Thayer responded yes. Mr. Brisson asked if the covenant was notarized. Mr. Herr said it was a standard covenant, and a standard form and it need not be notarized. Mr. Brisson stated the Board can not fully sign until the town clerk signs the plans. Someone from the Board could go with Mr. Thayer tomorrow to the town clerk's office and sign it. Mr. Herr noted there were no street numbers on the plan. Also that the Board approved a sidewalk on one side. Mr. Thayer said there will be copies of the plan after the Board signs it. Mr. Rosenlund noted that if everyone is satisfied with the provisions on the covenant and Mr. Rotatori will accompany Mr. Thayer to the town clerk's then he would make a motion that the plan be approved. Mr. Rotatori seconded the motion. All members present at that time approved. Gerald Brisson, Carl Rosenlund, Joan King, and Sergio Rotatori. The plans were signed with a copy for the Planning Board. Mr. Thayer left at 8:14 PM.

Althea Sabin then approached the Board. She had a concern about a road being put in on Maple Street 20 feet from the Charles River. It is near the cemetery and there is a brook that goes through there and she is concerned about it possibly being filled in. There are two roads, one is a dirt road and one is a gravel road. It is on Maple Street opposite the mill going towards Hartford Ave. Mr. Brisson suggested that possibly it is an axis road, if it is the Board does not have any plans. Ms. Sabin's concern was what does this person doing this have in mind. Mr. Brisson pointed out that it is a gravel road and not a paved street. Ms. Sabin wanted to know if the Board knew about this. This "street" goes under the railroad tracks. Mr. Brisson said an axis road can be put in without

coming to the Planning Board. If they are going to do something with the roads they must come before the Planning Board. Ms. Sabin said they could go right through the public cemetery. But to do anything they have to come before this Board? Ms. Sabin was directed to the Conservation Commission.

Mr. Rosenlund stated he had something he wanted to bring up. It would not save hundreds of dollars but that maybe the money for post cards could be spent in other areas. He did not feel that the members needed to be sent a postcard reminding them when meetings are. He finds it totally unnecessary. Mr. Murray said sometimes there is nothing on the agenda for the meeting but a lot of times members like to know who is coming and for what. Members can do some research and be prepared. Mr. Brisson said that was the main idea for starting the post cards. Mr. Rosenlund said he knew it was not a lot of money but there have been costs for public hearings, etc. Mr. Brisson said if there are 2-3 things on the agenda that maybe a post card should be sent but if nothing is on the agenda, not to send one. It will be left up to the discretion of the secretary.

Mr. Joseph Johnson, 28 Standish Road, approached the Board saying he needed to look into the Board's files relating to Steve's Village and Deborah Lane. He thought there may have been 2 bankruptcies and he wants to know what happened to the bond. His concern is that he owns the land and he wants to know where he stands with the bond and what work there is to be done. Mr. Rotatori stated the Board would not have signed the plans unless there was a bond. Mr. Johnson said there is mention of a bond in the correspondence in the file but that there is no answer in the file as to whether it was drawn up or not. He wants to know if there was a waiver on the sidewalks and if the \$25,000 bond was set. Mr. Brisson said that all the investigation could not be done tonight but that the Board would get back to him with an answer.

PUBLIC HEARINGS - PROPOSED BY LAW CHANGES - TOWNHOUSE DEVELOPMENT,
EARTH REMOVAL, SIGNS

8:00 Townhouse Development

Chairman Gerald Brisson opened the Public Hearing on Townhouse Development at 8:00 PM. The text was read by the secretary: Amend Section 2400 Use Regulations Schedule, Section 2600 Intensity of Use Schedule, and Article V. Definitions, to authorize townhouse dwellings (owner occupied multi-family) on special permit from the Planning Board in all districts except Industrial, requiring lot area of 7,000 square feet per bedroom (but at least 10 acres), and amend subsection 4420 to clarify decision criteria applicable to all multifamily dwellings.

Mr. Murray asked if anyone was at the hearing from the Finance Committee. He said the Planning Board had communicated many times with the Finance Committee and when discussing zoning it sometimes becomes confusing and he would have liked a member from that committee here tonight. He wanted it on record that no one from the Finance Committee was here.

Mr. Brisson asked if anyone wanted to speak in favor or not in favor in regards to this proposed zoning by law amendment.

Mr. Bill Austin, 1194 South Main Street, said he would like to speak in favor of the amendment on the basis of the concern about housing in today's time. One can not buy a one family house, He would like to commend the Board for making a decision to allow condominiums. They sell for more or less for the price of a single family unit. You will receive taxes for far greater than the money spent on school children. A 2 bedroom unit is not the same as a 3 or 4 bedroom house and the owners may possibly have no school children. He stated he was in favor of the amendment and commends the Board for adopting and recommending it.

Mr. Brisson said the Board had not done either yet.

Mr. Austin said he was just reading the text from the town warrant.

Mr. James McElroy, 1000 South Main Street, said he had no copy of the proposed by law amendment but asked how does this affect the Intensity of Use Schedule or vary the requirement for each dwelling unit considerably?

Mr. Brisson said the Intensity of Use is the same. He said what it does do is that the minimum area of 7,000 square feet per bedroom is the basic key and it does not over develop a piece of property.

Mr. McElroy said a house is to be built you are talking 2 bedrooms totaling 14,000 square feet. It is 40,000 square feet now and here it is now dropping to 14,000 square feet for 2 bedrooms.

Mr. Brisson said he understood what Mr. McElroy was saying.

Mr. Rosenlund said he thought it was the construction of 1 unit with 2 bedrooms and not to this construction on anything less than that.

Mr. McElroy said you could use up the whole 10 acres that way.

Mr. Brisson asked Mr. Herr to address that.

Mr. Herr said the answer was that yes you can. He said that when the proposal was first drafted the intent was the number of bedrooms per acre. It would be about the same on this property as it would be on a single home - 40,000 square feet per lot for a 3 bedroom dwelling. It would be something around 12,000 square feet. In the course of the discussion and debate, it was decided the lot area to be 7,000 square feet. He said the regulations would then be closer to a 2 bedroom house. The trigger is a proposed subdivision and comparing lot area per bedroom. This proves to be close to it but a little bit more. This would be a 2 family on separate lots and not a subdivision - closer but not a single family.

Mr. Joseph Johnson, 28 Standish Road, said he had just built a 2 family up the street and that the house is on a 30,000 square foot lot and it is 6 bedrooms.

Mr. McElroy asked - Isn't the lot size being lowered for this?

Mr. Johnson said with this proposed amendment it is his understanding that the minimum size is 3 units. He said you can't build a 2 bedroom house for this price. The 10 acres has to be used. You have to have 3 houses in the smallest unit. It can not be just one 2 bedroom house. It is economically not feasible. The town has made it not feasible.

Mr. Brisson cited an example for Mr. McElroy. It would be 30,000 square feet for a 2 family unit. What Mr. Johnson is addressing in this case is a typical 2 family - 2 bedrooms each - 6 bedrooms in a unit - which is actually high intensity.

Mr. Austin said that now that we are in the con section as he lauded the Board for considering this he was going to say that 7,000 square feet and 10 acres is restrictive. However, we must start somewhere. There are not a lot of 10 acre parcels available. If you do reduce it, it may not have been feasible. But the start must be made somewhere and may be changed later. Right now it may be too restrictive.

Mr. Rotatori said going back to townhouses is going back to multi-family units. In years back multi-family was 20 acres. Now it is dropped from 20 acres to 10 acres. The town voted multi-family out and here we are putting it back in again. Ten acres to 20 acres. There has been growth in the town and there is not a 20 acre parcel available so it had to be dropped down.

Mr. Austin said he could appreciate what Mr. Rotatori said but people have no place to live and the times are changing quicker and needs are changing quicker than our ability to adapt. We may have to accelerate our thoughts in the future.

Mr. Rotatori said that it has to be realized that the town of Bellingham does not have sewerage and that it is a big factor now and it may be later. He said the only thing that troubles him now with townhouses - that Bellingham does not have great drainage.

Mr. Rosenlund said that there were reservations on the part of the Planning Board with the concern of multi-family dwellings and it left a bad taste as to what evolved from it. The Board was sitting here knit picking on this trying to make restrictions. Yes, there are restrictions and yes may be they should be expanded but we are going to have a tough fight to carry this through at the Town Meeting.

Mr. Johnson said may people look on condo development as multi-family and apartment houses but it is not the intent. He said right now he is the only one to sell a condo duplex in town and look at the tax in town. Condos do not require any more services.

The people have no children. Statistics say that those who buy condos are not of child bearing age. They have no great calls for fire, police, road maintenance, etc. They are a great influence on the tax base. It may not be the greatest thing that ever happened but let's be selfish for the town. These are tax dollars. The people are not renting but buying. If anyone in this room would try to buy their own house today they would not be able to do it because costs are so high.

Joan King said in the past those buying condos may not have children but now a new house goes for \$70,000 and a condo goes for \$48-49,000. There is nothing to prevent a family from buying a 2 bedroom condo with 2 children or a 3 bedroom. The statement that they do not have children may not be true. These young families may only be able to afford to buy condos.

Mr. Johnson said the statistics in the nation bear him out, condo buyers in general do not have children.

Mrs. King said it may not appeal to families but it may have to. The attractive pricing alone can induce them. These people can not touch a single family home. Especially a 3 bedroom condo could be attractive.

Mr. Johnson said he was talking dollars and cents and a 3 bedroom is not economical. He said he just sold his - a 3 bedroom and only 4 people live in it.

Mr. Brisson it may not always stay that way.

Mr. Johnson said the man who owns it is 57 and he does not think this man will have more children.

Mr. Rosenlund said there was general agreement on the Board and this was suggested instead of duplexes and there was no negative response.

Mr. Murray said there was quite a discussion before the article was drawn up. The Board has not promoted the building of 3 bedroom units. Combine this by law with 4421 - only 10% of the units can be 3 bedroom. We had a problem with the present apartments in town. 3 Bedroom units were built and not finished. It was brought up before and we will make sure building permits will not be given for 3 bedrooms only 10%. The rule in giving out building permits is not to have a bunch of 3 bedrooms in one place and later on build 2 bedrooms over here. If you read on - any development is at the discretion of the Planning Board. The Board will chose if there is a special permit granted. If we thought we were flooded with requests, we would shut off the special permit. The by law needed to change. A one family house is expensive. I understand in Franklin, Digital and Wang are coming in and we want some of these people in Bellingham. In 1 or 2 bedrooms. They may have 1 or 2 children but it will make for a better tax base. The population will not increase too fast if the by law is enforced properly. Right Mr. Herr, it will not promote 3 bedroom units?

Mr. Brisson agreed. For any building along these lines one will have to get a special permit. There are duplex regulations and duplex subdivision regulation but these did not require a special permit controlling landscaping, design, etc. We had no say. The importance of this by law is its restrictive values.

It was also pointed out that one of the things brought up before and has not been discussed is that the property will be privately owned and much less maintenance to the town. These units will be managed by the condo association and will also be more energy efficient structures.

Mr. McElroy said that once the units are built and sold to an individual are there restrictions to buying as many units as you would like and renting them out. The by law refers to owner occupied but one can build them and someone else can buy and rent them out.

Mr. Herr said each unit has a separate deed. There is no way one person can buy and then rent it out.

Mr. Johnson said this could not happen because to buy and rent to stay even with a 15% - 15 3/4% mortgage rate, you would be paying \$700 a month in taxes. There would be no way this person could rent. The town does not have to write a by law for this. Economically this could not be done.

Mr. John Duby, 214 Mechanic Street, said he was in favor of small apartments. He felt Bellingham needs this. Studio apartments, etc., would be a small increase to the tax base and not a school burden. These types of dwellings are in great demand with big companies. It is for temporary living - 6 months to a year. But he said there is nothing keeping someone from building all 3 or 4 bedroom apartments. With 4 bedroom apartments you are using up the required 10 acres and taking advantage of the greatest number of bedrooms with a restriction of a total of 8 apartment units. 8 apartment units with 4 bedrooms are within the 7,000 square ft. restriction on 10 acres. It is not likely, but possible that someone would build large luxury apartments and still come within the scope of this by law. But this would not be within the intent. The intent is for small dwelling units with small families.

Mr. Brisson said Mr. Duby would have to stand to be corrected. There is no provision in the by law for 4 bedroom units and there is limit of three bedrooms to only 10% of the total complex. By law 4420 would govern this regarding multi family dwellings.

Mr. Duby said if this by law would be governed by that then okay. He then said when it comes to definitions he would like to stick to the dictionary meaning of townhouse. Townhouse in Ma. is an apartment building with more than one floor. The use of townhouse is basically, in this case, a condominium which is thought of as a dirty word especially in Boston. It may be a dirty word in

Boston but not in Bellingham. He feels the correct word should be used.

Mr. Brisson then asked should it be condo development?

Mr. Duby said the definition of townhouse reads out the way he said and the definition is not in keeping with the definition of townhouse in this area.

Mr. Rosenlund said this was discussed last evening and there is no strict definition of townhouse. It is not defined by Webster. We should pronounce what we are intending.

Mr. Herr said condo is a form of tenure rather than a structure. A 2 family condo now and if we use the term later it may not be the same and not because it is a dirty word.

Mr. Duby said maybe there should be a new definition.

Mr. Herr said he was not sure a townhouse is on 2 floors. His understanding is that it is one unit in a group of attached units with its own outside entrance. It is almost always 2 stories. The key word is its own entrance. If you are using a term a term is just a term in its own sense. What I have just said is exactly the same that you have in your mind. If you feel we need a third term then fine.

Mr. Duby said when you looked at the Boston Globe and the ads for dwellings. A townhouse is a multi story building with an individual entrance. Garden apartments are on one floor. We need more clarification for this and other things as there are no definitions.

Mr. Herr said Mr. Duby was suggesting a term not a definition. The definition is clear. It is the term that is a problem.

Mr. Brisson said he needed a motion to continue the Public Hearing.

On a John Murray/Sergio Rotatori motion the hearing was recessed to open the hearing on Earth Removal. The secretary read the text.

9:00 EARTH REMOVAL- Amend Section 4600 to provide that all earth removal from any premises, even incidental to construction, requires a permit from the Building Inspector, which may impose conditions, and to provide that removal incidental to building or road construction require a special permit if exceeding 2,500 cubic yards.

Carl Rosenlund/John Murray made a motion to recess the Public Hearing on earth removal until the Public Hearing on townhouse development was reopened, continued, and closed. Motion passed unanimously.

Mr. Brisson reopened the Public Hearing on Townhouse Development.

Gerald Burke, 11 Scott Street, said that condos are over 2 stories. A condo conversion is usually on a 8-10 story building. A townhouse is two floors. there is never a 10 story townhouse.

Mr. Brisson asked if there were any further comments. There were none.

On a Carl Rosenlund/Sergio Rotatori motion the Board voted unanimously to close the Public Hearing on townhouse development.

Mr. Brisson asked for the Board's recommendation.

On a Carl Rosenlund/Sergio Rotatori motion the Board voted unanimously to go on record as recommending the article on Townhouse Development for the Town Meeting.

Mr. Murray said he wanted to make sure people know this was not apartments as before. The term should not be used.

Mr. Brisson reopened the Public Hearing on Earth Removal. He said this article proposes a change. There have been problems occurring in the past with a developer coming in before the Planning Board and had subdivision and site plans approved when the whole purpose to remove gravel. This new proposal is to make the removal of earth more stringent. An individual needs a permit from the Zoning Agent regarding any earth removal over 50 cubic yards.

Mr. Borowski, 21 Elvira Street, added he did not think the zoning agent issues the permit. If there is an area more than the required lot size - 20,000 square feet residential not more than 20,000 square feet of area. There would not need earth removal permit they could just go.

Mr. Brisson said 10 acres and then you subdivide into 1 acre lots for homes. The building permit would not allow removal of gravel out of 1 lot. But your point is well made.

Mr. McElroy said 2500 cubic yards is the limit it means you could not dig a foot down. It does cover the situation Mr. Borowski is talking about. There were problems about this before when Mr. McElroy was on the Board and this article will greatly help the situation. It was so ambiguous before.

Mr. Rosenlund asked if this was clear for Mr. Borowski.

Mr. Brisson asked if Mr. Borowski read the change. Anything over 2500 cubic yards will require a special permit from the Zoning Board of Appeals.

Mr. Borowski said from the Zoning Board of Appeals. All right.

Mr. John Drew, 33 Prairie Avenue, said the applicant must post a bond to remove the earth.

Mr. Herr said that it is in the article at the end of the last

paragraph. Shall be required to post a bond with the Inspector of Buildings nothing else than yes a seperate bond.

Mr. Brisson asked if there was anything further. Does the Board want to discuss this.

Mr. Rosenlund said in regards to subsection 4632 as stated in the article on the warrant, he may be looking at something wrong but that that subsection concerns drainage and water errosion.

Mr. Herr said that should be subsection 4622.

Mr. Brisson asked if there was any more discussion.

Mr. Rosenlund said as long as the intent was clear then good.

Mr. Brisson said this article imposes severe regualtions on earth removal, that the town has been lacking. He asked for a motion to close this Public Hearing.

On a Sergio Rotatori/Carl Rosenlund motion the Board voted unanimously to close the public hearing on earth removal.

On a Carl Rosenlund/Joan King motion the Board voted unanimously to recommend the article on earth removal at the Town Meeting.

Mr. Drew asked if the error would be changed.

Mr. Brisson said yes.

Mr. Brisson then opened the Public Hearing on Sign Clarification.

The secretary read the article: 9:15 SIGNS - Amend Article V to revise the definiton of "Area of Sign"; subsection 3143 to limit the number of allowed freestanding signs and to revise their allowable area; and Section 3100 to insert new provisions regarding sign permit requirements, sign maintenance, and nonconforming signs.

Mr. Brisson said the article was brought forward and it is his personal opinion that the definiton of sign area is unclear of what comprises a sign and sign area. This article attempts to regulate and limit sign area by square feet and how to measure and how many feet it should occupy.

Mr. Murray said he would like to comment on Subsection 3143. Not more than 100 square feet? What was the purpose of this amount and how was it arrived at?

Mr. Brisson said the numbers were brought forward by Mr. Herr.

Mr. Herr said there 2 changes and you may have freestanding signs provided they do not aggregate not more than 100 square feet of area. The second point is that 100 square feet is unusually generous in relation to other communities. None have as large a

limit. In Bellingham there has not been much of a limit. 60 square feet is not that restrictive to many people. A more conservative size is necessary with people on roads other than Rte. 495. 30 square feet is fine. Other towns have this size on small streets.

Mr. Murray said he wanted to open up the discussion. He said he differed that Bellingham does not have signs approximately 60 sq. ft. We even have signs that are 100 sq. ft. with no complaints. Zayre's, Denny's Liquors, Kim's, Creative Glass, Woonsocket Chrysler, MHD, Beverly Club, Coachman's Lodge, Almacs. The signs are not offensive and they are in a business area.

Mr. Herr said in Lexington there are no signs allowed and there is a Zayre's there. 100-60 sq. ft. there is a limit to a town sign. There is a difference on Rte. 495. This by law is to recognize and to protect the environment. We happen to be doing it now and it is a start.

Mr. Duby said it is not the size of the signs. The location of the sign and its size is relative. He said the sign on the corner Almacs is on the store but the store is 300 ft. back. It looks like a small sign. 20 ft. off the street should be controlled by the Planning Board. One should have to come before the Planning Board for a Public Hearing on a sign.

Mr. Brisson said that was not in this article.

Mr. Herr said it should be made clear that this by law does not cover signs attached to buildings but only freestanding signs.

Mr. Brisson said that this by law would control the location of a freestanding sign.

Mr. Duby said the only thing he would like to say there should be control if something is attached to a building if it goes to the street.

Mr. Rosenlund said he would like to see that signs do not obstruct traffic. He also said he did not see a problem to reducing the size of signs.

Mr. Brisson said he did not see that the size of a sign would hide a business. He thought a KMart could exist with no sign.

Mr. Drew said that in some places in Bellingham it looks similar to Rte. 1A. Mr. Drew said it looked like a blight.

Mr. Brisson asked if there were any other comments.

Mr. Borowski asked if a 60 ft. sign - could that mean one sign back to back making 120 sq. ft. sign.

Mr. Brisson said the sign would have to one structure.

Mr. Borowski said that it was now clear to him.

Mr. Rosenlund said he thought it was time to resolve this. He did not see a problem as this was presented.

Mr. Murray said he thought the 100 sq. ft. limit is fine.

Mr. Herr said this does not mean that signs all ready existing would have to come down. If this by law passes it would not be legal until June of 1981. He said if there is a new guy on the block his sign would have to meet these requirements. The life expectancy of a sign is short.

Mr. Rosenlund said there are provisions for a special permit from the Zoning Board of Appeals and someone wants to change his sign and the Board is satisfied as to what already exists is allowed than they can do so.

Mr. Brisson asked if there was any more discussion.

Mr. Murray said he thought more discussion would not do any good. He said he knew how he would vote. He said he did not like the approval left to someone's whim and fancy.

On a Sergio Rotatori/Carl Rosenlund motion the Board voted unanimously to close the hearing.

On a Carl Rosenlund/Joan King motion the Board voted 4-1 to recommend the article as presented to be submitted for appearance on the next Special Town Meeting.

Mr. Murray opposed saying he felt he owed an allegiance to the business segment of the town and that's why he opposed the article. Businesses had a hard enough time existing without any more restrictions.

Continue with regular meeting

Mr. Brisson asked if Mr. Herr had anything more for the Board.

Mr. Herr said yes and wanted to talk about a fee schedule.

Mr. Brisson said he was pleased to see Zoning Board members at the Public Hearing and members of the Board of Selectmen.

Mr. Brisson called for a 5 minute recess beginning at 9:47 PM.

Meeting was called back to order at 10:07 PM

Mr. Herr suggested that the Board work along with him at this time to attempt to figure out a fee schedule. He passed out a worksheet for each member.

Mr. Herr said he had figured the grand total of costs to the Board and he would like the Board to help figure out the individual costs.

Breakdowns were: Postage \$175; Advertising \$300; Public Hearings \$350; Registry of Deeds \$25; Telephone \$25; Salaries \$1500.

Mr. Rosenlund pointed out that even if these fees were collected they would go back to the town coffers.

Mr. Herr stated that a lot of this fee setting is being done in other towns across the state because of Proposition 2½. Fees are being charged for other services in town such as the Board of Health and this must be handled by the Planning Board.

Breakdown during the workshop session was the following:

SUBDIVISION	no. per yr.	Annual rev.	cost	cost/unit	current fee	prop
31P Reviews	40 plans	\$400		\$10	0	\$10
Preliminary Plan	20 lots	\$600		\$30		\$25
Definitive Plan	40 lots	\$1600		\$40		\$75
<u>ZONING</u>						
Amendment Hearing	2 cases	\$400		\$2000	0 actual cost	
Site Plan Review	4 plans	\$800		\$200	0 \$3 parking	
					space	
Special Permits	2 cases	\$400		\$200	costs \$3 parking	
					space	

On a John Murray/Joan King motion the Board voted unanimously to adjourn the meeting at 11:24 PM.

Respectfully submitted,

Carl R. Rosenlund

Carl Rosenlund, Clerk