

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, MA.

Regular meeting - September 24, 1981

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

The meeting was called to order by Chairman Brisson at 7:39 PM. It was noted that the Board attended a meeting with the Board of Selectmen, Town Counsel, and Mr. Oakley, assistant building inspector, concerning Bellingham Plaza on Wednesday, September 23, 1981. Because of that meeting, the meeting scheduled for this evening with Mr. Oakley will not be held.

Members went through the mail. On a Carl Rosenlund/Sergio Rotatori motion to bills of \$16.00 for the Milford Daily News and \$26.46 to the Woonsocket Call (both public hearing notices) and the clerk's salary of \$76.66 were approved 4-0.

Mr. Murray presented the Board with a copy of the special permit for Bellingham Plaza, recorded at the Registry of Deeds. It had not been in the Planning Board files. It had been recorded within the 30 days as requested by the Board at that time.

Mr. Herr suggested that perhaps from now on the Board should defer granting or not granting a special permit at that same meeting. That if a permit is going to be granted that specific language be drafted by the Town Counsel so that problems do not arise.

PUBLIC HEARING - SUBDIVISION REGULATIONS & RULES FOR ESTABLISHING FEES

Chairman Brisson opened the Public Hearing on Processing Fees at 9:00 PM. The clerk read the Notice of the Public Hearing. No one from the general public was in attendance.

Mr. Brisson asked Mr. Herr if the Board approved or disapproved the processing fees. Could portions be approved. Mr. Herr said yes.

Mr. Brisson suggested taking fees one at a time and then the Board give their blessing or otherwise. He said he knew the Board had come up with some numbers but after looking at them, he thought they sounded high. \$3 a parking space, in his opinion, is not too high. This is only because of something like Fore Court. He thought everyone spent a lot of time on it. He thought it was not too high on a small project either. Even on a 20 parking space project.

PUBLIC HEARING - SUBDIVISION REGULATIONS & RULES FOR ESTABLISHING FEES (cont.)

Mr. Rosenlund said this \$60 would be advertising purposes. Right? The answer was no.

Mrs. King said in the case of Bellingham Plaza it would be a cost of \$1000.

Mr. Herr said that in the case of Bellingham Plaza the site plans consumed a lot of time. It was complicated because the information required was not there.

Mrs. King said the only other time of special permit the Planning Board would grant would be on townhouses or a major commercial complex.

Mr. Brisson said on a cluster subdivision also.

Mr. Murray asked Mr. Brisson what he thought was too high for a fee.

Mr. Brisson said to take one proposal at a time.

Mrs. King said she knew these fees were based on a reason, but there are only 2 cases per year of a special permit. She could not remember the reason for coming up with such a figure. Was it just to cover the cost of things?

Mr. Murray said the cost did not bother him.

Mr. Brisson asked if changing fees is really fair.

Mr. Rosenlund said he was sure when the Board did this, it made sense but that he could not remember the reasoning.

Mr. Herr said the rationale the Board went through was an attempt to set fees at a level so that the cost of review to the Board would be returned to the town through fees.

Mr. Brisson said when you say the cost of review - who is the Board paying besides Mr. Herr?

Mr. Herr said this was done in April of 1981 and that the whole Planning Board budget was broken down into parts - advertising costs, mail costs, etc. - what it took to carry out the main functions. What we (the Board and Mr. Herr) did was to go through each item and divide them and assign parts to other than review and part to review - add them up and the total review cost was taken and distributed to various categories.

Mr. Murray said this was in response to Proposition 2½.

Mr. Herr said yes it was and that it was a demonstration to other town officials that the Planning Board was attempting

PUBLIC HEARING - SUBDIVISION REGULATIONS & RULES FOR ESTABLISHING FEES (cont.)

to find sources of income and be in step with others. We took \$2400 for the consultant, \$175 for postage, \$300 for advertising, \$5 for the Registry of Deeds, \$25 for a phone bill, and \$1200 for the clerk's salary, added them up to \$4200 and said that the biggest single piece of review was to single plans, site plan review, and preliminary plans, and then less for each category. The number of cases and cost for each. The Board reacted to some fees and suggested \$20 rather than \$10 for an S1P review.

Mr. Murray said that \$3 a parking space was not high. But asked Mr. Brisson what was high.

Mr. Brisson said for the site plan review that it was \$3 per parking space. Does the building inspector collect that?

Mrs. King read from the text and it said not requiring referral to another agency - review then goes to the building inspector.

Mr. Brisson said most site plans require that. The building inspector would collect the \$3 per parking space.

Mrs. King asked then if someone had to pay the building inspector as well as the Planning Board.

Mr. Herr said that was not clear, as to whose had the fees go. The building inspector has a fee schedule and this could be in addition to that. The money would go from whomever into the general fund anyway.

Mr. Brisson said the building inspector collects it and then when someone comes to us they would tell us if the building inspector collected it.

Mr. Rosenlund asked if the Planning Board can dictate to the building inspector to do this.

Mr. Brisson said if the building inspector does not, then the Planning Board will. If someone goes to the building inspector's office and does not pay and then comes to us what do we do? There could be complications.

Mrs. King asked if the Board can tell the building inspector how much to collect.

Mr. Murray said he thought the Planning Board should collect the fees. Then the Board could keep a record of it and justify the budget when it comes time to go before the Finance Committee.

Mr. Herr said the Selectmen set the building inspector's fees. The Selectmen would have to agree to amend the building inspector's fee schedule. If someone has not paid that fee then he

PUBLIC HEARING - SUBDIVISION REGULATIONS & RULES FOR ESTABLISHING FEES (cont.)

has not satisfied the preconditions. The mechanics of paying is easy. The Board should get a document from the building inspector indicating fee paid. To adopt this is the next step. Go to the Selectmen and get their okay to do this. Technically you are the authority to do this.

Mr. Rosenlund thought this was vague. That the Board could not dictate this to the building inspector. That the Board should go to the Selectmen first and that we can not take action now.

Mr. Herr said the Board could not go to the Selectmen unless it is adopted. It can be deferred and then go to the Selectmen to see if they would permit this schedule.

Mr. Brisson said he thought the better way would be to go to the Selectmen first

Mr. Murray said he had to leave the meeting but pointed out to the Board on the bottom of page 2 on the fee schedule the word "disapproved" - that the Board does not approve or disapprove a sit plan - they recommend or not recommend.

Mr. Herr said that was so and the rest of the form should be changed that way.

Mr. Murray left at 9:26 PM.

Mr. Brisson asked why section 5.1 was needed.

Mr. Herr said it was something about an issue that came up and a fee was considered but there was no schedule for one and the decision was not to charge.

Mrs. King said it was similar to the lady that came at the last meeting for rezoning. It would be private incentive. But a Public Hearing would cost money. 5.1 Miscellaneous fees - is it necessary?

Mr. Brisson said more than one half of the time citizens pay for the public hearing fee.

Mr. Rosenlund said this would not apply to a private party. If someone came and said it was zoned industrial and would not be in the interest of the town. The Board says it should be changed. There is a problem on procedural rules.

Mr. Herr said sections 4.0 and 4.1 have renumbered 5.0 and 5.1.

Mr. Brisson said the subdivision regulation amendments - s1 approval not required - there are quite a few in the course of a year. It is most reasonable. Some towns charge and some do not.

Mr. Rosenlund asked if \$10 was too steep.

PUBLIC HEARING - SUBDIVISION REGULATIONS & RULES FOR ESTABLISHING FEES (cont.)

Mr. Brisson said he did not think \$10 was too steep and that it was reasonable. He thought the rest was steep. He said he knew where the numbers came from. Brookside Estates paid the advertising fee and the filing fee. That subdivision cost \$1200 plus advertising.

Mrs. King said that these fees pertain to the definitive plan.

Mr. Brisson said \$25/lot goes to the preliminary plan is applied to the definitive plan.

Mr. Herr pointed out that the Board spent a lot of time on Brookside Estates.

Mr. Brisson said that the towns he had dealt with have engineering departments that take care of this. The department justifies the fees - with a full time staff. These fees could be harsh for our town. We want to serve the town and the people in the town who want to build.

Mr. Rotatori said it is not costing the contractor.

Mr. Brisson said it would be hurting someone.

Mrs. King asked Mr. Brisson if Bellingham had a town engineer would it justify the fees.

Mr. Brisson said that the towns that normally have an engineer (they don't prepare plans) but they inspect, and follow the construction.

Mrs. King asked if someone pays this fee and they do not have to pay inspection fees?

Mr. Rotatori said he thought there would not be any big subdivisions coming into town now.

Mr. Brisson said if there were people interested in developing they would be here tonight. Charging fees is not going to solve any problems that may arise with a subdivision.

Mr. Rosenlund said that the Board must justify the fees based on cost.

Mr. Herr said if someone challenged the fee all the Board has to do is justify them to the town. What is one getting back for the fee? A level of service. The fee is reasonable.

Mr. Rosenlund asked if at any time the Board could waive a fee.

Mr. Herr said a fee could be waived but the Board would have to present its rationale. Ex. waive a fee for construction of a road.

PUBLIC HEARING. - SUBDIVISION REGULATIONS & RULES FOR ESTABLISHING FEES (cont.)

Mr. Herr said there has to be a rationale for waiving a fee - not that someone says he does not have the money.

Mr. Rotatori asked how these fees compare t other towns.

Mr. Herr said they are in the top 1/3 of towns.

Mr. Rosenlund said he was in favor of controlled growth and in favor of a builder paying his due expense but not to penalize the builder. He thought fees should be realistic.

Mr. Rotatori said that on some plans the Board spends a long time.

Mrs. King asked that if the Board decides to adopt this fee schedule then it goes into effect immediately?

Mr. Herr said the procedural rules would go into effect immediately. The subdivision amendments would go into law as soon as the Registry of Deeds and the Land Court were notified.

Mr. Brisson asked if there was motion. Mr. Herr had to make some minor changes on the Procedural Rules but there was nothing pressing as far as time.

Mr. Rosenlund said he would rather see the Board defer action on the total package until the changes were made and the Selectmen were met with.

Mr. Brisson said if the Board chooses they can vote on the Subdivision Amendment portion.

Mr. Rotatori motioned to adopt the fees and rules with the necessary changes. There was no second.

Mr. Rosenlund said that the Board could not be positive about the building inspector's fee schedule.

Mr. Rotatori said the Selectmen will ask the Board want we decided.

Mr. Rosenlund said the Board would say they want to adopt it but are asking if the Selectmen will go along with it.

Mrs. King asked if a motion to adopt the fees pending approval by Selectmen would be all right. There was no second.

Mr. Rosenlund made a motion to adopt Subdivision Amendment Regulations - S1, S2, S3. Mrs. King seconded.

The Board voted 4-0 to do so.

Mr. Brisson action on the procedural rules would be deferred.

Mr. Rosenlund said he thought the wording on advertising costs

PUBLIC HEARING - SUBDIVISION REGULATIONS & RULES FOR ESTABLISHING FEES (cont.)

~~It was~~
~~It said~~ an estimate of advertising costs.

Mr. Herr said that was done intentionally because advertising costs keep going up.

Mrs. King said the filing fee should be equal to the cost of advertising. Mr. Thayer had to pay the bill.

Mr. Brisson said most people are shown the bill and they pay by check. There has never been a problem with this. Leaving it at an estimate should be fine. We would not overcharge.

Mr. Rotatori said a hearing has never been started without someone paying the advertising costs.

Mr. Brisson asked wht the clerk had to do regarding the Subdivision Regualtions noted. Just a letter stating what took place tonight, and list S1, S2, S3, and send to the Registry of Deeds, Land Court, and the Town Clerk. Mr. Brisson suggested that the clerk write the letters and send them to Mr. Herr for his approval and then Mr. Herr would send them along.

Mr. Rosenlund asked if Mr. Herr would send along copies of the worksheets on the fee schedule.

On a Sergio Rotatori/Carl Rosenlund motion the Public Hearing was closed. Time 10:00 OM.

The Board then reviewed a letter from Lee Ambler, Town Counsel, concerning Center Park Estates with Phil Herr. Documents requested by Mr. Ambler wer pulled from the file and copies made and will be sent with a letter signed by Mr. Brisson to Mr. Ambler.

On a S. Rotatori/J. King motion the Board boted 4-0 to adjourn at 10:34 PM.

Respectfully submitted,

Carl R. Rosenlund

Carl R. Rosenlund, Clerk