

Bellingham Planning Board
Town Hall Annex
Bellingham, Mass.

Regular Meeting - December 8, 1983
Members Present - Carl Rosenlund, Chairman
Sergio Rotatori, Vice Chairman
Joan M. King
Bertrand Boiteau
John Murray

The meeting was called to order by Chairman Rosenlund at 7:40 P.M.

Members reviewed the mail and bills to be paid. On a Rotatori/King motion the Board voted 4-0 to pay the bills of: \$120.00 for the secretary's salary for month ending December, 1983; \$75.00 to Carl Rosenlund, Chairman, \$50.00 to Sergio P. Rotatori, Vice Chairman, \$50.00 to Bertrand Boiteau, \$50.00 to Joan M. King, \$50.00 to John Murray. Members' salary represents period July 1, 1983 through Dec. 31, 1983 and is prepared at this time inasmuch as there is no meeting scheduled for Christmas week. Mr. Murray not as yet present.

Mr. Rosenlund read the notification that as of December 9, 1983 the Annual Town Report must be submitted, which was prepared and presented for approval. The Board approved the report as presented.

The environmental impact report on the proposed 495 Access Road was reviewed. The proposed road is to provide access from 495 and Rt. 126 to approximately 184 acres of Industrial Zoned land located in the north central part of town. Mr. Rosenlund noted that this is the first time he knows where the roadway was actually going to be and expressed concern that the Board be better informed.

Mr. Rosenlund read the letter from the Finance Committee regarding the Budget Package for 1984-85, which is to be prepared and submitted to that Committee by December 31, 1983. Mr. Rosenlund noted that the Board is not scheduled to meet prior to that date to vote on the budget. It was agreed to discuss this following the meeting agenda.

A letter from the Board of Health regarding forming a Hazardous Waste Committee was reviewed. Their request was for a representative from the Planning Board. Mr. Rosenlund noted an article that was drawn up by the Planning Board and feels hazardous waste is an important issue. No action was taken on this.

The letter from the Board of Selectmen regarding the Rhode Island Dept. of Transportation's proposal to form a coordinating committee on the 1-295/1-495 connector highway was reviewed. The committee would be composed of a member of the Selectmen and a member of the Planning Board who would represent this community in a preliminary study. No action was taken on this.

It was noted that the ZBA held a public hearing on December 1st on the application of Coachmen's Lodge for special permit to increase floor area of the restaurant and storage space.

Burt Rhodes approached the Board to discuss property off Lake Street across from the Citco Gas Co. which he said had been abandoned 4 or 5 years. He said he took an option on the property from the oil people and

is before the Board to inquire if the Board would change the zoning. He presented a map of the area as prepared by Bibeault Engineers of Woonsocket, R. I. Mr. Herr pointed out that if it were to be rezoned the brook would be a good boundary. Mr. Murray asked what the proposed use of the property would be. Mr. Rhodes said that his son would use it to conduct his auto body work.

The new building inspector, Patrick Tropeano, asked Mr. Rhodes if he has a lease on the property, and also said he had already told the Citco people to either move the building there or board it up.

Mr. Rhodes told Mr. Tropeano that he had an option to purchase the land.

Mrs. King asked Mr. Rhodes if he is personally proposing the rezoning and if he is asking the Board to rezone. Mr. Rhodes said he wasn't sure. Mr. Rosenlund suggested he go before the Selectmen, with 10 signatures, and request a zoning change. Then the Selectmen directs the Planning Board to conduct a public hearing. He said it is quite possible it could go before the Town Meeting and should be done before the Selectmen close the warrant.

Mrs. King felt it would be best to rezone. Mr. Rosenlund said the Board would be inclined to support the zoning change.

Mr. Rosenlund asked that Mr. Rhodes petition the Selectmen because of 2½. Mr. Rosenlund also told Mr. Rhodes that he would have to pay the cost of the public hearing. Mr. Rhodes agreed. He thanked the Board and left at 8:15 P.M.

Guy Dupont representing William Hood appeared before the Board on his request for a zoning change. Mr. Rosenlund pointed out that the Selectmen would have to initiate this and then direct the Planning Board to hold a public hearing. He suggested Dupont go before the Selectmen with his petition with 10 signatures. Mr. Dupont said he would attend their next meeting.

Mr. Rosenlund told Mr. Dupont that he would have to pay for the cost of the public hearing. Mr. Dupont agreed.

Mr. Rosenlund said the Board could set up a tentative public hearing date for Jan. 26, 1984 on his request for a zoning change, but in the meantime he has to go before the Selectmen with his petition with 10 signatures. It was agreed.

Mr. Rhodes had returned to the meeting room and Mr. Rosenlund informed him that the Board could set up a tentative public hearing date. It was agreed.

On a Rotatori/Boiteau motion the Board voted 5-0 to set up public hearings on Jan. 26, 1984 at 8:00 P.M. for Burt Rhodes and at 8:30 P.M. for Guy Dupont.

Rhodes and Dupont were requested to contact the secretary if there was any change.

Mr. Dodakian representing Tom Steeves approached the Board regarding a release of covenant on Lot 6, 32 Ray Ave., Bellingham. Property was owned by Kirkpatrick. Builder was Walter Mallette. He said \$500.00 is held in escrow by attorney Zaltas and he cannot release this until the Town releases the covenant. This dates back to about 1966.

Mr. Herr said that the lots get released one at a time or in groups. Mr. Rosenlund inquired of Mr. Herr if only a vote of the Board is needed to release the covenant. Mr. Herr said yes. He also said the party should have a written request for release. It was noted that Form G is the correct one and Mr. Dadakian will fill out this form and have it certified.

Mr. Rosenlund requested that Mr. Dadakian get the name of the subdivision and forward that information to the Board so that it can be researched prior to the Jan. 12th meeting, it would be beneficial. Mr. Dadakian to forward information to Mr. Rosenlund's home address.

Mr. Herr requested the secretary to check the file on this subdivision to find out why it was not released previously, referring to lot 6.'

Philip Vadenais appeared before the Board with an approval not required plan regarding part of an old farm property located off Center St. The Board reviewed the plan as presented. He said his son wants to use this for a farmhouse. Mr. Vadenais commented that he had tried unsuccessfully to grow mushrooms there. After a review of the plans the Board found no problems with it. The Form A and \$10.00 filing fee was presented to the secretary.

On a Rotatori/King motion the Board voted 5-0 to sign the plan as presented

Margot Nuissl appeared before the Board on an approval not required plan representing her husband Carl Nuissl. This property is bounded by Lake Street and Maple Street and is located near the landfill.

Mrs. Nuissl presented the Board with a map plan which shows the area divided into 10 lots. Mr. Rosenlund questioned if this is a discussion on a subdivision.

Mr. Herr said this is an approval not required. He said that Mr. Stavinski of Stavinski Engineering had sent him an earlier version of this plan for his review. Mr. Rosenlund asked if that was during his absence. Mr. Herr said it was during the last two weeks, and this modification reflects their conversation over the 'phone. Mr. Rosenlund said he had not heard a word. Mr. Murray commented that he had heard something about this one. Mr. Herr felt that the Board should be pleased with this one.

The area is zoned agricultural.

Mr. Herr said this could be a test question on possible back lot development. Mr. Herr said the issue was lot 11. Lot 11 didn't have enough frontage and he said that he pointed out to them that it wasn't possible to apply that section of the bylaw to this provision and if they changed it so that it was he would recommend against its approval. The two lots were combined and reshapes things a bit. Mr. Herr pointed out that an issue would be how are they going to get into some of those lots. He noted the wetlands at the front end of lots 4 and 5, and pointed out that development may be further back and the real access may be off Prospect St.

Mr. Murray questioned the approval not required.

Mr. Rosenlund asked Mr. Herr how much power the Board has regarding that. Mr. Herr said he thinks quite a bit. But he also said there is nothing on this plan that would justify the Board's withholding signature.

Mr. Rosenlund commented that the Board's signature does not say in essence that they can go ahead and do anything. Mr. Herr said the Board's signature says that they can go ahead and sell them in separate lots.

Mr. Herr said he recently saw a Planning Board turn down a plan like this because they had gone out to look at it and said they couldn't get on the lots from the road; therefore they didn't have frontage. Frontage means something you can use to get to a road. They had said they were going to put a driveway across the back and the Planning Board said that wasn't frontage and refused to sign it. He said they may wind up in Court but they did it on the strength of that Nantucket case where in effect the Court said the Planning Board was to look at the purpose of the law and assure itself that every lot's got real frontage.

Mr. Herr told the Board he suggests they sign the plan, but to keep in mind this may come back to them.

In this regard Mr. Herr was referring to the access road, through the back. Mr. Rotatori commented that if they did that, then it would consist of a subdivision.

Mr. Herr said not if he does it with an easement; that they might put an easement across Lot 10 and even across Lot 5 to get to Lot 4 and build a driveway.

Mr. Herr said then that would be a private deal. It has nothing to do with the Planning Board.

Mr. Rotatori expressed some concern about this plan. There was also a question of ownership. Mrs. King took issue with the plan stating "supposed owner". Mrs. King also feels that this appears to be a subdivision of land and not an individual lot.

A discussion was held concerning the Townlines as the area near Maple Street runs near the Franklin line. Mr. Herr established that the property is in Bellingham.

Mr. Rosenlund, in addressing question raised by Mrs. King, said that for clarification as to whether this was a subdivision as opposed to an approval not required plan, the Board is used to having somebody come in with one lot instead of one plan with 10 lots on it.

Mr. Rosenlund said that as long as each of these lots has the required frontage, meets the zoning requirements and has frontage on a street then it is not a subdivision. It is a subdivision when a road has to be built into a development to gain access to the individual lots. He said there is no plan here other than they are dividing up the lots to build or do whatever they want. It is not a subdivision.

Mr. Rotatori asked if they could put a private way in there with no problem.

Mr. Herr said he didn't know, but that is not before the Board tonight.

Mr. Rosenlund said its a matter of what they do at a later date.

Mr. Murray commented that he feels that there is frontage there, whether there is swamp there or not.

Mr. Herr said that he thinks that is right, and in the long run the Board may want to think about whether they are going to require people to show where the wetland is. At the moment the Board does not, so he feels they should sign it.

Mr. Murray noted that if lot 4 is sold the building inspector would question access and that would require an answer. Mr. Herr said the answer may be that they build a driveway, or get a right of way over the other lots. Presently the answer is unknown.

Following some discussion, Mr. Rosenlund inquired if the Board wishes to sign the plan as submitted.

Mr. Murray made a motion to sign the plan.

Mr. Rosenlund said there is a motion before the Board to accept the plan as presented and requested a second to the motion.

Mr. Rotatori pointed out that if Mr. Herr sees no problem with it and with all the lots on there. Murray saw no problem and pointed out that there is frontage.

Mr. Rotatori seconded the motion made by Mr. Murray to accept the plan as presented.

On a Murray/Rotatori motion the Board voted 5-0 to sign the plan.

Mrs. Nuissl presented the Form A and \$10.00 filing fee to the secretary.

Marcel Paul appeared before the Board to discuss property located in So. Bellingham. He is proposing building a condo. A map plan was presented to the Board for review. He pointed out the part of the property that is built on and what was sold and what is left is 15 lots. He inquired about cluster zoning on which condos could be put on. There is an area in question that is wetlands. Mr. Paul pointed out the low area. Sewerage system was discussed and the area near Woonsocket could be served by them if agreed and paid for by the individual. As to services to the area Mr. Paul said it would be association owned, if feasible to put condominiums there then the association owns the land and they take care of everything, taking care of snowplowing, rubbish removal, etc.

Mr. Rosenlund commented that Town Counsel would have to agree on the condominium.

Mr. Murray pointed out that the Town has regulations. Mr. Herr noted 7,000 sq. ft. per bedroom. The density rule under section 2600 was discussed. Mr. Herr noted that he has 440,000 sq. ft. which would be 62 bedrooms, but he said this was not possible as the area of wetlands has to be deducted. He suggested figuring 50 bedrooms.

Mr. Herr pointed out that it would be a special permit use and the special permit acted on by the Planning Board.

Mr. Murray asked if he has the 10 acres not including wetlands.

This was not established; however, Mr. Herr commented that he is only making inquiry.

Mr. Bernardo Colella appeared before the Board to discuss property off Rose Ave. He presented a plan for review, showing the area where some houses are built and an old subdivision and a roadway. He said he has been trying to get information on Rose Ave. but no one could really give him any, as to whether it was approved. He pointed out location of the railroad and the area that is industrial.

The previous owner was Whittaker. Mr. Herr said he believes he has an approved plan on that.

Mr. Colella said this was all set up at 30,000 sq. ft. and he had the engineer draw it up in 20,000 sq. ft. lots with a cul de sac and pointed out the area left at 30,000 because of the original road still there with the poles. He said there is water brought in and he believes a portion of drainage.

Mr. Rosenlund commented on the question of whether the roads connected which was a previous issue. This is verified by Mr. Herr.

Discussion followed the roadway issue. Mr. Colella said he was told by Mr. Paul that an area of that land was owned by Russo and comes down to the portion in question. Mr. Herr said it was a question of ownership. Mr. Rotatori pointed out that it was referred to as Rose Ave. Extension.

Mrs. King asked Mr. Colella what he is proposing.

Mr. Colella said what he would like to do is complete the road and have a cul de sac on the proposed road with 20,000 sq. ft. lots for single family houses and single family on the other side, with 30,000 sq. ft. Mr. Colella requested leaving a plan with Mr. Herr for further review and information. Mr. Herr agreed. Mr. Colella to return to the meeting on January 26th at 9 P.M.

Mr. Herr brought to the Board's attention the Regional Planning Council's forecast regarding projected population growth. They predicted a 20% increase between now and 1989 which is 6 years. Mr. Rosenlund said he read about this in the Middlesex News within their article about water.

Mr. Herr said that MAPC based this on a projection of a group that is going to grow. He referred to the baby boom era who is now looking for houses with land around. He said if interest rates ever come down enough a lot of home building would be seen in Bellingham.

Mr. Herr said that is where the Board should be concerned, but does not feel there is a concern with the population projection.

Mr. Rosenlund inquired why they are projecting this. Mr. Herr said they didn't give any reason other than noting the changing age structure.

A review of the Environmental Notification Form was made on the proposed access road to industrial land off 495. Also attached is a map showing the projected area of the proposed road. Mr. Herr suggested the Board should really get involved. He also said that the Corps of Engineers has quietly bought a great deal of the wetlands. He said before 1.3 million is spent by the Town it should be looked into more carefully.

Mr. Rotatori pointed out that the I.D.C., Bruce Lord, is pushing this project. The only access presently is through Farm St.

Mr. Murray suggested that Mr. Lord should be brought before the Board to discuss the things he is pushing.

Mr. Rosenlund said he is all in favor of requesting the I.D.C. to come in to discuss this. He asked Mr. Herr to propose a list of questions to be presented before meeting with the Board.

Mr. Rotatori said if they come through with that road you will see more houses going in there. That is all zoned agricultural.

Mr. Boiteau pointed out that Glockner had said he would be glad to revert back to residential.

Mr. Rosenlund reminded the Board that the Budget has to be resolved.

Mr. Herr pointed out there will be more subdivisions and other building and he suggested the Board increase the budget possibly in the area of postage and public hearing. He suggested the Board look into that area.

On a Boiteau/King motion the Board voted 5-0 to meet on December 22, 1983 for the express purpose of drafting the budget.

On a Murray/King motion the Board voted 5-0 to adjourn.

Adjournment at 10:25 P.M.

Respectfully submitted,

Sergio Rotatori, Clerk