



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

JOHN P. MURRAY, CHAIRMAN
ANNE M. MORSE, VICE CHAIRMAN
EMILE W. NIEDZWIADK
GLENN E. GERRIOR
EDWARD T. MOORE

MINUTES OF REGULAR MEETING

FEBRUARY 25, 1993

Meeting was called to order at 8:05 p.m. Secretary EN acted as Chairman until JM arrived. Members EM and GG were also present. AM was absent.

Board's consultant, Philip B. Herr, was also present.

GERALD MARCHAND 81-P SUBMISSION

G. Marchand presents an 81-P, Form A, for Wrentham Road, which was originally presented at the meeting of February 11, 1993. The Board decided to send the plan to Mr. Herr for his advice relative to the zoning question since the front half of the parcel is suburban and the back half is agricultural. The question is which zoning applies.

P. Herr indicates that the question is what dimensional requirements apply to lot 1 since part is in one district and part is in another.

EM thought that he read it should apply to the lesser of the two.

P. Herr replies that pertains to use only. There is nothing in the Bylaw relative to the dimensional requirements. It is a black hole. They should apply the dimensional requirements for the district where the majority of the frontage lies. It is a good idea to put words into the Bylaw which say that. They dealt with this issue in Norwood. He can replace one paragraph in the Bylaw with those words.

EN asks if there is something in the Bylaw referring to part of a parcel being in Franklin and part in Bellinghaam.

P. Herr responds that is a differt issue with the same principle.

EM makes a motion to sign the 81-P, Form A. GG seconds motion. Unanimous vote of 3 (EN, EM and GG).



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G. Marchand explains that he plans to sell the front lot and build a house on part of the back lot. He has left a 40' right of way. He asks if they are going about this the right way.

EM questions if they have to go for a variance.

P. Herr states that they have 77' of frontage which is enough with a 40' right of way. They do not have to apply for a variance.

EM indicates that they just have to apply for a backlot.

P. Herr notes that they should take the annotation "not a building lot" off the plan when they get the special permit. They should get the special permit before they sell the parcel. He guesses that no one on the Board would have any problem with a backlot special permit for this parcel.

JM joins the discussion at 8:10 p.m.

EM brings JM up to date with this 81-P. JM signs the plan as well.

P. Herr asks if Mr. Marchand has a buyer for the lot.

G. Marchand responds that he does not.

P. Herr explains that at the moment they can not build because it says not a building lot on the plan. Upon approval, that will have to be changed to approved for a backlot special permit. He would not rush to file the 81-P plan since the Board's signature is good for 6 months. They should file it when they get the backlot special permit approval.

EM notes that if the annotation "not a building lot" were not there now, the Planning Board would not sign the 81-P because they would be afraid that one would just go in and get a building permit for the backlot.

P. Herr advises Mr. Marchand to use the exact drawing when they come back. Lot 1 is approved for reduced lot frontage. No other contiguous land in common ownership can be divided.

EM has no problem with that.



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P. Herr explains that applying for the backlot special permit involves notice in the newspapers and notice to abutters as well as a public hearing.

GENERAL DISCUSSION RE: POSSIBLE BYLAW CHANGES AND CHARTER

EM asks why the Board can not come up with a Bylaw stating that there will be no retention ponds. He understands that the town's Bylaw can be more restrictive than the state's Bylaws but not less restrictive.

P. Herr responds that they can but the question is what would they have people do with the storm water.

EM notes that right now retention ponds are not being maintained. He wants to get rid of the liability of retention ponds.

EN asks if the town owns the ones in the condo developments.

EM responds that they do not, but they do own the one on Elm Street and there are a couple on Maple Street. There is one at the end of John Alden Circle in Pilgrim Village.

P. Herr states that there is no good answer. It is simple to say that they will have no detention basins but they have to come up with an alternative. They used to use storm sewers and pipe to the nearest brook but that causes flooding downstream.

EM indicates that in Medway there is a development which has retention ponds in tiers in front with the houses behind it.

P. Herr points out that the town could adopt very severe rules about how detention basins are designed, but then people may not want to develop in Bellingham.

EM states that there is the detention pond on Chestnut Street put in by Crestview Commons which never worked and broke causing problems.

Members discuss elderly housing and the recent fire at an apartment complex in Bellingham.

P. Herr states that the state program requires that the Housing



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Authority accept a certain percentage of people with disabilities as well.

EM notes that the disabilities can be anything including people who are drug addicts.

P. Herr indicates that is correct. It is a real problem for the state.

GG refers to an incident in Franklin where an individual with special needs caused a fire in a Housing Authority apartment building.

GG refers to the automobile accident which happened this week in town where 4 people were injured from 3 different families. It was the worst storm of the season. He questions why they had school. Two months ago one of the victims who was injured noted that it was a dangerous spot for a school bus and asked why they do not provide a minibus for that street.

Clerk asks when the Board would like to hold the public hearing relative to the Uses on Wheels proposed Bylaw change.

P. Herr notes that they could hold that hearing on March 25, 1993.

Clerk schedules the public hearing for Uses on Wheels for March 25, 1993 at 8:30 p.m.

Clerk reads letter from the Denis Fraine in December 1991 which had been read to the Board previously but no response given. The letter asks the Planning Board to consider fencing in retention ponds.

Board members discuss the pros and cons of fencing in retention ponds.

Clerk notifies Board members about the FINCOM meeting scheduled for the Planning Board to discuss its budget on March 22, 1993 at 9:00 p.m.

P. Herr states that with storm water detention a development is creating more impervious surface. There could be an amendment requiring a subdivision to fence it in. WalMart does not have a



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fence around there's. They could put in one sentence to change it. They can hold a public hearing on that change as well.

EN asks if that would be prohibitive for some developments.

P. Herr responds that it would not be.

EM asks if they would have to specify the type of fence to be used.

P. Herr responds that they could. They do have the site plan review where the fencing would have to be identified. They could plant dense shrubs.

EM states that it would have to be a chainlink fence with no slats because police and fire personnel would want to see in. Shrubs would shield and hide but one would not be able to see in. The concern is when the water is full because kids will go in and play. The detention/retention ponds become like frog ponds. Kids go in and play.

P. Herr notes that it depends on the design. Some of them do become frog ponds.

EM also points out that the ones that are dry become like hay fields with trees growing in them.

P. Herr will put something together for the Board to look at.

GG refers to the big hoop houses at New England Bonsai. The hoop houses are large.

GG also refers to the WalMart traffic improvements. They did not put arrows in the road yet and it is a dangerous situation.

P. Herr explains that they are going to put the arrows in.

GG asks who the enforcing agent is.

P. Herr does not have any idea who it is.

Clerk reads letter from Boston Edison, dated February 9, 1993, relative to setting up a meeting to discuss possible new business coming to Bellingham.



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P. Herr explains that they are working to put together a system which will become the easiest source for information for new business to look at when looking to relocate. In theory, someone who wants to relocate to Massachusetts will go to them and look at the database. They want to help the economic development so they can sell more electricity. It is really pointless to talk to them right now. The MAPC is trying to get some information together and they are working on it as well. It will be good in a few years.

P. Herr questions if Denis Fraine is exploring the economic development and changes in the zoning map.

EM explains that Roland LaPrade started it. It is like the Economic Development Group and they are working with Varney Brothers.

P. Herr notes that they are talking about getting something to happen between 495 and the N. Main St. sector. They would need to change the zoning and make peace between Varney and Fafard. He wonders if anyone on the Board has heard about it.

EM has not heard anything about it.

GG states that Dick Hill and Fafard resolved their problems. Fafard did a lot of excavating in the back of Hill's property after he gave a deposit and destroyed the whole piece of property.

EM notes that Fafard spent a lot of money on the deposit.

EM refers to the Charter and a meeting which Lee Ambler attended where it was brought out that the Charter states that if an elected official is recalled, he can not run again and one can not hold two elected positions. Town Counsel brought out the issue that it is unconstitutional to have those stipulations in the Charter.

P. Herr asks if the Board ever responded to the Charter.

JM attended a meeting when they asked about having the Planning Board being appointed rather than elected officials. He told them that they could not do that.



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P. Herr does not know if the Charter is serious or not. He asks if there is a chance that it will go through.

EM notes that everybody says that it does not go far enough but a lot of people are for it.

P. Herr asks if the proposal is still being shaped.

EN responds that it is.

P. Herr had a conversation with D. Fraine relative to issues in the Charter dealing with the Planning Board which he is not sure make sense. One issue deals with the Planning Board doing careful studies and another is the town developing a comprehensive master plan for policies governing future development. The plan would have to be submitted no later than 3 years after adoption of the Charter. It stipulates that the plan be submitted at an Annual Town Meeting no later than 3 years after. There are very few communities where the legislative body votes for the master plan. It is not normal to have to go to a Town Meeting. It is normal to use it as a guideline. In Rhode Island, they adopt comprehensive plans. Under Massachusetts laws, there is no provision that a master plan be legislatively adopted. It makes it inappropriate for Town Meeting action. He questions if that is a good provision. If the Charter is passed, the Planning Board would either be in violation if they did not comply or if they did it would require a substantial amount of work on the Board's part. The Charter will have a substantial bearing on what the Board does.

JM points out that when times change, they can not hold the line in zoning.

P. Herr reads the January 7, 1993 draft of the Charter from the Woonsocket Call.

EM notes that the Charter would be putting a lot of work on the Planning Board.

P. Herr states that it is not a bad idea for the Board to work on a comprehensive plan and having to do it within 3 years is reasonable.

EM states that the question is how do they raise the money to do



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it.

P. Herr points out that in Rhode Island, the zoning has to be consistent with the comprehensive plan within 18 months but it does not make sense. He will send a memo commenting on the Charter on the Board's behalf. The Board may decide to make their own comments.

EN states that they should make D. Fraine aware that they want to be part of the committee.

P. Herr believes that they should get their word in before the Charter is put in because they can not amend it. The only way to get it changed is with a written document.

JM states that the issue which he gets from people is to control growth.

P. Herr states that the issue is raised in the Charter. There is a Town Director of Development which are fancy words about a finance position.

EM states that the Charter calls for 3 expensive positions including an administrative finance officer and maybe a planner/administrator.

P. Herr states that there is nothing of the kind in there. The problem with inspection is here. There is no way to get the town to agree to hire another expensive person. D. Fraine is not really wild about it.

JM thinks that they should stick to the section which pertains to the Planning Board.

P. Herr states that the section which he just explained is the only piece which pertains to Planning Board business.

Sgt. Haughey, Safety Officer, joins the discussion.

GG asks Sgt. Haughey what happened to the painted arrows which are supposed to be at WalMart.

Sft. Haughey responds that the traffic lights will be in in May and June for Hartford Avenue and N. Main St. They have not



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finished work. He did not think that anything would be painted and done until all the traffic improvements are completed.

EN notes that they might have to put in a little island in towards Medway where the arrow is to turn left.

Members sign Clerk's voucher and invoice for the Planning Board P.O. Box.

EN makes a motion to adjourn at 9:33 p.m. EM seconds motion. Unanimous vote of 4 to adjourn.

John P. Murray, Chairman

Anne M. Morse, Vice Chairman

Emile W. Niedzwiedek
Emile W. Niedzwiedek

Glenn E. Gerrior
Glenn E. Gerrior

Edward T. Moore
Edward T. Moore