



## 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

MARCH 25, 1993

Meeting was called to order at 7:35 p.m. Vice Chairman AM acted as Chairman until JM arrived. Members EN, EM and GG were also present. The Board's consultant, Philip B. Herr was also present.

#### GERALD MARCHAND BACKLOT SPECIAL PERMIT SUBMITTAL

Gerald Marchand presents an application for a special permit for a backlot subdivision as well as two plans and two abutters lists. The \$50.00 fee and fee for certified abutter's mailing is also presented.

The Board schedules the public hearing for May 13, 1993 at 8:00 p.m.

GG joins the discussion at 7:45 p.m.

#### DISCUSSION WITH ECONOMIC DEVELOPMENT TASK FORCE MEMBERS JERRY MAYHEW AND DENIS FRAINE

J. Mayhew explains that last June 1992, a task force was put together with Roland LaPrade as Chairman for the purpose to increase the industrial base for the Town of Bellingham. The members are Roland LaPrade, Joe Dupuis, Russell Phillips, John Drew and himself. They have no other interests or agenda other than the betterment for the Town of Bellingham and industrial growth for the town. They have now become the Industrial Development Commission (IDC) with Gary Maynard as a current member. He presents a submittal to the Board relative to a study which they completed over the course of eight months which should be used as a guideline. They have had meetings with particulars including Varney, Hill, Fafard and Kiersted relative to the industrial land which sits kitty corner to the new Almacs. They made a presentation to the Board of Selectmen on Monday. A \$150,000 house contributes \$1995 in taxes. If that house has one child, it costs the town \$3800 to send that child to school. Therefore, the town is already in arrears in getting the tax



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dollars to provide a minimum in goods and services. Up and down 495 there is Franklin and Milford which both have model development parks with Granite Park in Milford and Forge Development in Franklin. The way to attract business is to give them an area where they can site. After eight months of meetings, studies and walking the property, they have come up with this submittal. All of the people met with a cooperative spirit to bring forward the entire project. They had an initial discussion with the Board of Health which was extremely helpful with putting away the pitfalls. They want to include everyone in the plan. The Planning Board is a key element as well as the Conservation Commission. They want to have a real spirit of cooperation with everyone. They know that this will not happen right away but maybe it will be a 5 - 10 year project. They are taking care of the EPA requirements, the water resource needs, the traffic studies and the neighbors who abutt the proposed site. This is just a suggestion. They have had meetings with Dan Ranieri and will set up a series of meetings at the state and federal level. They will meet with Senator Neal from the Second District Congress. They would like to show some progress at this point. They are sponsoring an article to rezone a portion of the property which they are proposing for industrial use to industrial. They are pursuing a \$50,000 grant to complete a feasibility study. Right now Bellingham has 14.4% of its land industrially zoned. This proposal encompasses 300 acres which would increase that percentage marginally. The objective of the commission is to capture the spirit of Bellingham by using a site which has a clean plan for growth. No one wants to repeat the situation like industrial developments in the past. He presents a plan identifying the site across from Almacs and asks the Board to accept the spirit of the program which is not cast in stone. The proposal can be moved around interstate 495 and WalMart. They are pursuing the state and federal money to apply for the building infrastructure, water lines, sewer, wells, etc. This land will require \$3 million for the infrastructure to be ready.

JM joins the discussion at 7:55 p.m.

J. Mayhew further states that they are trying to keep everyone informed. They hope that everyone will join with them in the spirit of cooperation.

D. Fraine explains that they have had no planning or engineering at this point as far as where the buildings are required on the



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plan. They tried to show potentially what could be built on that site. They have to show this at the state level with the infrastructure needs since they are planning to apply for a grant. The first people they talked with was the Massachusetts Alliance for Economic Development. Within two days, two developers interested in parcels along 495 came to talk with them. Maybe this will generate some interest in the site.

EN notes that some of the land which they have identified is under option with other people.

J. Mayhew states that they were all in the same meeting.

D. Fraine noted that Mr. Fafard and his wife were there as well as Mr. Hill and his wife.

EN asks if Mr. Fafard has options on the property.

B. Lord responds that there are existing options which will be dealt with by rezoning. He is not on the commission but helped write rezoning for part of it. They are looking to rezone to make a wholly industrial area along 495 to N. Main St. They want to keep out residential from coming into the area. They want to maintain the perimeter of the area. It is across the street from a business area anyway. Down N. Main St. there are a couple of problems. They have to find a second access other than going through High Street. The only alternative is to go to N. Main St. Varney believes they could have access toward Caroline Drive. The second possible access is through the old railroad bed. The third possible access is through the old Kiersted property. The Core of Engineers took the property along the river. The business zoned area was narrowed to a limited area. They want to expand the business area to provide for development in the back.

EN indicates that there are problems with going further down on 126 because there are people there.

B. Lord understands but they put on paper the maximum rezoning even though they can pull that back. Having the most flexibility is the best way to handle the area. They want to expand because of the narrowing caused by the Core of Engineers.

JM notes that the Dalpe Backlot special permit public hearing is scheduled to begin.



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Clerks reads notice of public hearing.

EN makes a motion to postpone the public hearing with Mr. Dalpe's consent to 8:15 p.m. AM seconds motion. Unanimous vote of 5.

EN notes that the neighbors living in the 126 corridor will be impacted by this rezoning.

D. Fraine points out that this has been a source of great discussion. They talked with Kiersted regarding a buffer to break the rezoning and 126.

J. Mayhew states that it would be a minimum 200 ft. buffer but they do need the input of a qualified engineer, Conservation Commission and the Planning Board. 200' sounds like a lot. They want to maintain the residential area across the street which is a portion of the Wethersfield complex. After Caroline Drive, there are 4 more houses. It is an area which they are very sensitive about. They want to make the zoning change to make enough area so all the siting will not be a problem.

EN asks about the trailer park.

J. Mayhew notes that the area is south of it.

D. Fraine states that they looked at all the industrial property in town. There is a natural buffer with 495 on one side and 126 which will have widening of 4 lanes there. The area is fairly well buffered on 3 sides with the Charles River to the south.

EN has been reading that Franklin has a lot of space available but there are only a few developers building.

D. Fraine states that they have had developers come to Bellingham to look at a couple of large warehouses. They are interested in the area but we do not have a place to put them now. Franklin has the luxury of infrastructure. Franklin and Milford already have large industrial parks.

EM states that the reason developers went there was because they had sewerage.

P. Herr points out that this would have sewerage.



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JM notes that Fafard already gave it a try with retail.

D. Fraine states that they realize this area may not support another retailer right now.

EM states that the problem is that they will have to have at least a 100' buffer from rezoning. They want to protect the people against the rezoning and still leave entrances.

D. Fraine explains that part of their intent is to be at the table when the decision is made relative to the type of industrial businesses going in.

EM thinks they should do it right on the first shot.

P. Herr indicates that the town got together with the major land owners and identified a place which would work and make sense. He is concerned that the town is saying that they have to rezone land to do it. The question of rezoning is appropriate since this is all in a Water Resource District.

EM notes that the Board would have to put notice in the newspapers and hold a public hearing relative to this rezoning.

P. Herr explains that would not take it out of the Water Resource District. He is concerned about the peculiar configuration of the land. There is dry land out to 126. There has been a suggestion to move the industrial district boundary west. This possible zoning does not make sense.

B. Lord states that the wetlands were taken with the Core of Engineers land. The old railroad bed is wetlands. There are three houses in a row next to that.

P. Herr states that this plan taken with the Conservation Commission map will show that there are 3 buildings in the wetlands. The whole area of the proposed rezoning is probably in the wetlands.

B. Lord notes that the 3 houses are surrounded by wetlands. They want to buffer it by the houses and 200' back and around it. They want to try to stay as far away from 126 as possible.

P. Herr does not think they need to rezone out to N. Main St. to



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have the street serve an industrial district. There is no reason why a subdivision can not cross over the district. They need to distinguish between saying yes to industrial and the idea of rezoning. They are two different issues. It is sensible to all people concerned for the people who live there and the people who are concerned about the wetlands.

J. Mayhew notes that N. Main St. is in district B1.

D. Fraine states that it is suburban.

B. Lord states that B1 starts at Hartford Avenue. It is a long road. Why should they include B1 in the industrially zoned.

P. Herr notes that residences are allowed in B1. The large parcel behind this area is not under their control.

JM notes that the Board has to get on with the Dalpe Backlot Special Permit public hearing.

EM asks who is sponsoring this rezoning.

J. Mayhew responds that they dissolved the Economic Development Task Force and they were all appointed to the Industrial Development Commission (IDC).

EM is not in favor of the rezoning the way he sees it now.

### DALPE BACKLOT SPECIAL PERMIT PUBLIC HEARING

JM states that any interested parties from the audience may come up and look at the plans.

Ronald Dalpe presents a plan and explains where his house is and lot 1B for which he is requesting a backlot special permit.

AM asks if there is a question of frontage.

EM indicates that there is not for a backlot. He asks what happened to lot 1C.

R. Dalpe responds that right now it is nonbuildable.



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EM asks about the future.

R. Dalpe left a 20' right of way but he will probably not do anything with the land.

JM notes that the applicant is land locking himself in.

R. Dalpe notes that he is part owner of the adjacent land with his brother.

EM asks why he does not give his daughter the whole thing.

P. Herr reviews the requirements stating that the frontage has to be at least 50' and it must contain two times the lot area than what is otherwise required. This has double the requirement. Normally the required lot frontage is 150'.

GG notes that there is 78 feet at the top of the sheet.

P. Herr notes that the surveyor should have put this information in for the Board. He guesses that this probably does meet the requirements. He reads Section 2500 of the Bylaws relative to egress. Visibility is not a problem. There is a neighbor on one side and vacant land on the other side.

Randall Phillips, abutter, states that there is no issue relative to the invasion of property.

P. Herr states that this does not circumvent the intent of the Subdivision Control Law. It appears to meet the criteria.

JM asks if there are any comments from the audience.

R. Phillips states that he has no problem with this at all.

EM makes a motion to close the public hearing. The applicant understands that only a single family home can be built and not a duplex.

Sharon Dalpe, daughter of applicant, understands.

EN seconds motion. Unanimous vote of 5 to close the public hearing.



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EM makes a motion to approve the special permit for a backlot special permit for Ronald Dalpe. EN seconds motion. Unanimous vote of 5.

JM explains the 20 day appeal period.

Clerk will phone Sharon Dalpe at 883-4418 after the Town Clerk notifies the Board that the 20 day appeal period has passed.

GG notes that they could begin clearing the land now because no building permit is required for clearing.

### USES ON WHEELS

### PUBLIC HEARING FOR PROPOSED BYLAW

Clerk reads notice of public hearing.

GG makes a motion to continue the public hearing to 8:45 p.m. so the discussion with the IDC can continue. AM seconds motion. Unanimous vote of 5.

### IDC DISCUSSION RE: PROPOSED REZONING CONTINUED

J. Mayhew indicates that they want to know if the Board agrees with the plan conceptually. They have more work to do and will come back. They will meet with the Conservation Commission to go over it with them.

EM asks if they are talking about the rezoning or the proposal in general. The clock is running for the rezoning. If they are going to make a change, they will have to do it now since the Board has to advertise and hold a public hearing.

JM notes that they can decrease the size of the rezoning at the Town Meeting floor but they can not increase it.

J. Mayhew states that they want to leave 200' in the front as suburban around the houses.

EM indicates that it would be spot zoning. They could put the road in under the present zoning.

Roland LaPrade is under the impression that they would have to rezone to industrial.





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P. Herr explains that they are under the wrong assumption. Designating a street rather than a private drive is alright. They can do it without rezoning.

GG believes that the land to be rezoned is all wetlands. This is a moot issue if it is all wet. They need to go to the Conservation Commission to find that out. The question is whether or not to rezone.

R. LaPrade states that the question is whether or not they should pass over or amend the article.

GG asks why they will go through the process when it will open a can of worms. They do not need to rezone. If they put in a 200' buffer all along N. Main Street, people will come in in 5 - 10 years to put homes in.

P. Herr notes that the people would be buffered by 1,000 feet of wetlands if the Conservation Commission map is correct. It would be a natural buffer.

GG states that the plants in there are wet.

P. Herr believes that the Planning Board is supportive of the idea. The problem is that the Town Meeting is coming up and the Board has to hold a public hearing and advertise. There are time constraints.

EN thinks that they should find out if the land is usable at all before rezoning.

P. Herr notes that it is a nice piece of land. The idea is workable to build an industrial development. There are a couple of really terrific places for a viable project.

EN thinks they will create a problem by rezoning it.

AM asks why they presented the rezoning so quickly. How can the Board hold a public hearing without all the information in?

EN points out that they may not need to rezone the parcel. They should not request the rezoning when they may not have to.

P. Herr notes that the efforts of the IDC were in getting all the



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parties involved teogether. The area was held up because the parties were not able to talk before.

AM states that they may want to consider withdrawal of the rezoning article without prejudice.

P. Herr notes that they have to decide tonight because the Board would have to hold the public hearing by the end of April 1993.

EM asks if the zoning article can be done at any Town Meeting.

P. Herr responds in the affirmative.

R. LaPrade states that without access to Hartford Avenue, there would be one cul-de-sac. They are concered that it puts Howard Fafard in control.

AM thinks that they would need two accesses.

GG states that there is a problem with rezoning.

R. LaPrade indicates that the purpose of the zoning article is to allow for Planning Board input. They wanted to show the zoning problems to the Board and get some input.

GG states that they went through this with Somerville Lumber.

J. Mayhew states that the IDC will withdraw without prejudice.

AM asks how long they have been working on it.

J. Mayhew responds that they have been working for 8 months. They got all the parties together. All the parties were in here talking for two to three hours. They couldn't get the Conservation Commission in at the same time.

GG states that Varney was sitting tight on everything he owns. It is great that they got all the four parties together.

J. Mayhew will tell the Selectmen that they are withdrawing for the rezoning.

JM indtructs Clerk to forward a letter to the Selectmen indicating that the planning Board met with the IDC and on their



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request the rezoning petition is being withdrawn without prejudice.

J. Mayhew asks if the Board will add that they conceptually agree with the proposal.

GG states that the Board agrees in concept but no formal vote is required.

GG makes a motion to allow the IDC to withdraw without prejudice. EM seconds motion. Unanimous vote of 5.

P. Herr explains that the town is expending energy promoting industrial development in the SW quadrant of 495 for planning and infrasture. The IDC is looking for support.

R. LaPrade states that they would like a formal vote from the Board.

GG makes a motion in support of the industrial development for planning and infrasture. EN seconds motion. Unanimous vote of 5.

### USES ON WHEELS

### PROPOSED BYLAW CHANGE

### PUBLIC HEARING

Clerk reads notice of public hearing.

JM reads proposed Bylaw change, Section 4250 stating that a "mobile home may be placed on the site of a residence destroyed by fire or other natural holocaust and occupied for up to twelve months while the residence is being rebuilt as provided in Section 3 of Chapter 40A."

P. Herr explains that they are simply putting the language which is required in the Zoning Act. It is true whether they say it or not. He does not see any question with that section. It is not in but it should be.

EM asks about Chapter 40A.

P. Herr explains that Chapter 40A says that the towns shall provide in their laws. They haven't gotten around to do it in



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the past, but now they are.

JM reads Section 4260 stating that "no trailer or similarly portable device shall be occupied as a principal use unless allowed by Section 4220, or unless authorized on special permit, upon determination by the Special Permit Granting Authority that use of such device meets each of the following."

P. Herr reads Section 4220 which allows a campground to exist.

JM asks who the special permit granting authority will be.

P. Herr refers to Section 4220 which states that zoning permit is given by the zoning agent. Section 4260 will be the Board of Appeals unless someone says to the contrary.

JM reads Section "(a) portability is important because of peculiarities of the circumstance, such as commitment to remaining for only limited duration at that location;".

P. Herr states that refers to a bank like the one at Crooks Corner. They sometimes occupy a trailer to test the market before building. They could test the market but not be there more than two years in a trailer. When the bank locates a trailer, the state regulates the charter.

JM asks what the limited duration would be.

EN indicates that it would be two years for a bank.

JM reads Section (b) otherwise applicable provisions of the Zoning Bylaw, such as Section 1420, Development Plan Review, are to be met as if the device were a building; (c) the device will be made visually compatible with the vicinity through location where not highly visible, use of landscaping, or other means; and (d) fiscal equivalence with similar uses located in permanent structures is to be provided through annual fees or other means."

P. Herr asks if this Bylaw was referred to Town Counsel for his comments. He is concerned about this article and its sustainability. He wrote it because he was told to. He suggests that it is a good idea to send it to Town Counsel to ask for his input. If they are talking about the reaction to the Taco Wago, it cannot meet item (a).



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JM believes that the limited duration is not spelled out.

P. Herr notes that is true, but it is up to the special permit granting authority to approve the timeframe. Item (b) is an intrusion on the parking area which does not come under Developmental Plan Review. For item (c), he is not aware of anything which could be done to make it compatible. (d) allows them to pay no property taxes because they argue that it is not real estate. Larry Cibley's argument is that people are doing business like people who are paying taxes and they are not paying taxes.

JM asks what happens if NHD says they own the lot and they own the trailer and they want to sell tacos.

P. Herr responds that they could do that.

EM states that it would have been better if this had gone to Town Counsel before the hearing.

P. Herr indicates that is correct.

EM thinks that the Board should continue the hearing.

P. Herr refers to a restaurant run out of a trailer in the Catskills.

JM refers to a trailer restaurant in Providence for the after hours crowd. He thinks the Board should continue the hearing in order to hear Town Counsel's opinion.

Gary Maynard states that in Providence the state gives permits for trailers to move from town to town.

EN makes a motion to continue the public hearing for Uses on Wheels to April 9, 1993 at 8:00 p.m. in order for Town Counsel to review the proposal. AM seconds motion. Unanimous vote of 5.

EN refers to the new McDonald's going up at Stallbrook Center. The Board received a notice of public hearing for the ZBA for a variance request due the the sign. He asks if they need to come in for Developmental Plan Review.

P. Herr presumes that it is going next to Almacs. He believes



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that when Ted Tye left the last meeting, he believed that everything was in accord.

EN asks if the McDonald's is approved.

P. Herr responds that it is.

EM points out that the Board never saw anything relative to the traffic flow for the McDonald's.

P. Herr does not think that is true.

EM asks if the McDonalds will be where the bank was going and the bank will be on the right.

P. Herr asks why that would change the circulation.

EM understands the reason for shifting is so it can be visible to 495.

GG refers to the Lakeview Farmstand/restaurant owned by Tony Ozella. He does not know how it happened but Mr. Ozella was denied the first night he came in for a license before the Board of Selectmen but was given a license after coming in again. He was given a license even though he is in violation of state law.

EN asks what the law is called.

P. Herr responds that it is the APR, the Agricultural Preservation Restriction.

P. Herr refers to the IDC plan. It is the right place to do what they are talking about doing. Denis Fraine sent their plans to him last week. They talked about it this week. He told Denis there is a lot of trouble with the specifics of the drawing. The Planning Board will be the applicant for the grant which they are looking for.

### PROPOSED BUSH BYLAW DISCUSSION

P. Herr had a discussion with D. Fraine relative to this proposed bylaw. In his opinion it was improperly drafted. Two of the petitioners are not registered voters. It is so badly drawn that there is no way it would be allowed to pass. It is a proposal



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for bushes, fences and signs before a certain level.

EM asks if the town already has a law like that.

P. Herr told D. Fraine that the idea is o'kay but that the language needed word. It is inappropriate to proceed at this poing. He does not know if the town has such a law but it is not a state law. D. Fraine said that the people who are proposing this bylaw may speak with the Planning Board to obtain comments. There are substantial mechanical problems with the proposed article. It could be given further consideration for a later date. This is a town bylaw and does not require a public hearing. It is not framed as a zoning bylaw.

GG refers to New England Bonsai and asks if there is a timeframe for them to finish in order to conduct business. He asks about enforcement of the site plan. If they do not get occupancy, they should not be operating at full scale.

P. Herr states that the Building Inspector could shut them down. They know what they should be doing.

GG points out that New England Bonsai presented a full scale presentation at the recent flower show.

Members review general correspondence.

EN makes a motion to adjourn at 9:30 p.m. EM seconds motion. Unanimous vote of 5 to adjourn.



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John P. Murray, Chairman

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Anne M. Morse, Vice Chairman

*Emile W. Niedzwiedz*  
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*Glenn E. Gerrior*  
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*Edward T. Moore*  
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