

BELLINGHAM PLANNING BOARD
BELLINGHAM, MASS.

Regular meeting of February 11, 1965.

Members present were: Rene Delannoy, Sr.
J. Eugene Corriveau
Joseph Dalpe
Francis Prior
Raymond Richard

Meeting called to order by the chairman at 8:00 P.M.

A plan of two lots situated off Maple St. was presented by George Hebert for George Neeley and signed by the board as Subdivision Control Approval not required.

Ferigno and Walker, developers of Hillsdale Estates were granted permission by the board to build and complete Laurel Lane and then tie in with Overlook Drive where 12 houses were constructed last year. Mr. E.J. Corriveau reminded the builders of the required 5 ft. sidewalk.

Mr. Delannoy addressed Mr. Tougas, Attorney for Mr. Morton Schafer, but because Town Counsel had not arrived, a motion was made by Mr. Delannoy for a 5 minute recess. So voted.

A plan for two lots for Marion Simmoneau was referred to the Zoning Board of Appeals because the plan does not conform to zoning. Mr. Corriveau stated that no road exists as the right-of-way shown on plan is not an existing street.

The board withheld signatures on a plan for Normand Belanger and requested a deed be presented to verify time of purchase of this land, which is located near Silver Lake on Cross Street.

The chairman requested a ruling by Town Counsel, Lee G. Ambler on the plan of Morton Schafer which had been tabled from the previous meeting of January 28, 1965. Town Counsel recommends that plan not be signed for the following reasons:

- (1) Section 81P. A question of whether the 14 days would run in essence of submittance.
- (2) Planning Board records do not show this plan was accepted; The board made no notification to Mr. Schafer about the acceptance of this plan.
- (3) Records failed to show application was for approval or a re-submission.
- (4) Records show approval of a conditional type. No specifics recorded and could be interpreted as rejection.
- (5) A question of whether the plan was approved conditionally or by default in 1956.
- (6) Chapter 40A, Sect 7A - Statute of limitations, three years amended in 1961
- (7) Grandfather clause in zoning-in reference Sect 7A-1, Clause 3 could render this inapplicable.
- (8) Chap 41 Sect 81W, Board may act on this plan again and can modify, rescind or approve the plan.

Town Counsel recommended that a new hearing is needed.

Attorney Tougas replied that the plan was submitted on December 29, 1964 and as far as he was concerned, the 14 days then started. He cited Sect 7A-1 which he states justifies his client's application.

Mr. Corriveau stated that there is no record of signatures having been affixed to the original plan which cannot be produced by Mr. Schafer. He also said he would go along with ruling of Town Counsel unless further evidence is forthcoming with proof when the plan was signed.

Mr. Dalpe asked Town Counsel if his feelings had changed since he submitted his rulings on the plan. Mr. Ambler answered "No".

Mr. Delannoy closed the discussion period.

A motion was made by Eugene Corriveau that the board not sign the plan. Motion did not carry.

Frank Prior made a motion to reject the plan of Morton Schafer for the following reasons:

Inconsistencies as to whether this plan was approved or disapproved in 1956.

This plan if approved, was of a conditional type and there is no record that conditions were complied with or construed as to be rejected or accepted by Mr. Schafer.

That this plan be disapproved under Chapter 48-Sect. 7A as to the Statute of Limitations in this case 3 years. Grandfather clause would not apply after 1959 for the reason that the Planning Board Approval Not Required, not applicable in this case because of question of time of submission, following the recommendations of Town Counsel.

Motion seconded by J. Eugene Corriveau, Rene Delannoy also in favor of rejection.

Joseph Dalpe and Raymond Richard opposed the rejection.

The board voted to reject the plan of Henry Lemire for 10 House Lots on Wrentham Road because of incomplete information and one abutter was not notified. Frank Prior made the motion to reject which was seconded by Joseph Dalpe. Raymond Richard abstained.

A Public Hearing date was set by the board for Dal-Mor Realty Corp. for six house lots off Paine Street, for March 11, 1965 at 8:00 P.M.

Meeting adjourned at 10:15 P.M.

Respectfully submitted,

Joan M. Giard
Joan M. Giard, Clerk

Approved as read:

Rene Delannoy Jr.
Raymond R. Richard
Frank Prior
J. Eugene Corriveau