

BELLINGHAM PLANNING BOARD
PLANNING BOARD ROOM- TOWN HALL
BELLINGHAM, MASS.

Regular Meeting of February 24, 1966.

Members present were: Francis J. Prior, Chairman

J. E. Corriveau Herve E. Pelland

Robert M. Chase Charles E. Kestyn

Minutes of the previous meeting were read by the clerk. R. Chase made a motion to accept with a correction. Seconded by C. Kestyn. Vote unanimous.

Because Mr. Chase's statement was omitted from the minutes of February 17, 1966 meeting, re: Schafer Heights - Sect. 1, his complete statement and motion are contained herein as follows:-

After careful review of the minutes of the Planning Board meetings dating November 12 and the 24th, December 10 and the 29th of 1964, January 14 and the 28th, and February 11, of 1965, the Planning Board feels that the Approval by Default of "SCHAFFER HEIGHTS - SECTION 1" was never intended to be Approval by Default. The matter was originally before the board to determine the validity or whereabouts of an alledged 1956 plan which was shown to this board as a rough layman's drawing and whether this alledged plan submitted in 1956 was still valid in 1965 and from December 29, 1964 on. If the plan "SCHAFFER HEIGHTS - SECTION 1" should be required to conform to Zoning.

At the meetings as listed above in which the Planning Board postponed action on the plan, it was with the knowledge of Morton Schafer who did not object to the postponements.

On January 14, 1965, a majority of the board present was unaware that this plan had been presented as "AN APPROVAL NOT REQUIRED" under Section 81P for there was no application Form "A" submitted therewith and therefore voted that no rights ran to the applicant as per the 1956 plan.

Because of a misunderstanding between the board and Morton Schafer, this plan now is entitled "APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED" per Massachusetts General Laws Chap. 41 Section 81P and 81L, not due to Planning Board consideration under those sections but rather due to the mistake, error and the inadvertence of the board and the passage of the 14 day period in which the board did not act on the plan.

The plan was recorded on a Writ of Mandamus issued by Frank W. Tomasello, Justice of Superior Court, that the Town Clerk signed the certificates provided for in General Laws Chapter 41 - Section 81P. Said plan was recorded in the Registry of Deeds on June 8, 1965 and filed as #547, Plan Book #218. THEREFORE,

That the plan of Morton Schafer entitled "SCHAFFER HEIGHTS

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Charles E. Kestyn

J. Eugene Corriveau
Herve Pelland

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- SECTION 1" submitted under the provisions of Section 81P - Chapter 41 of the General Laws be acted upon under the provisions of Section 81W of Chap. 41 of the General Laws in the following manner:

THAT, as the aforementioned plan was submitted under the provisions of Sect.81P of Chap. 41 of the General Laws as "APPROVAL NOT REQUIRED UNDER SUBDIVISION CONTROL LAWS", it is hereby deemed to be a plan not entitled to consideration under said section as it is in fact a subdivision as defined in Sect.81L - Chap. 41 and further not entitled to the exception contained therein.

FURTHER, that original Approval by Default was obtained for said plan by mistake, error and inadvertence, that is, the Planning Board's inaction within a statutory period of time and not by the board's affirmative action and that several continuances were granted on the consideration of this application and that said board was unaware of the seriousness of the delayed decision and further that these continuances were consented to by the applicant, Morton Schafer, and that despite said consent, the aforesaid Morton Schafer, acquired an "APPROVAL BY DEFAULT".

THEREFORE, and it is moved, that if said Approval by Default is (1) Approval by the Planning Board, then the plan be rescinded under the provisions of Chapter 41 - Section 81W and under the authority conferred by that section upon the Planning Board;

HOWEVER, if this plan merely acquired the status of an approved plan without Planning Board approval, then said plan,

Francis Davis
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Charles E. Keston

J. Eugene Corrigan
W. H. McCalland

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in order to retain the status of an approved plan, must be changed with respect to complete compliance with lot sizes and frontage requirements as per the provisions of the reasonable RULES AND REGULATIONS enacted by the Town and the SUBDIVISION CONTROL LAWS CHAPTER 41 - SECTIONS 81K thru 81GG; Said changes to include but not limited to: Lot sizes to contain thirty thousand (30,000) square feet and frontage requirements, along an approved way, to be one hundred twenty-five (125) feet.

Voting in favor of the motion was Francis J. Prior, Robert M. Chase and J. Eugene Corriveau; abstaining with reason was Herve E. Pelland and Charles E. Kestyn.

Stanley Chase of Careyville, prior to presenting a Preliminary Plan in the future of four house lots off Old Log Lane, conferred with the board re utilities to be installed. The board stipulated atleast 6" water mains, 29 ft. paved street and a temporary turn-around. E. Corriveau said he would like to see a more complete plan showing all the land owned by Chase in that area.

The board reviewed Rules and Regulations of the Subdivision Control Laws.

Meeting adjourned at 9:20 P.M. on a motion of E. Corriveau and (2) by R. Chase.

APPROVED AS READ:

Francis J. Prior
Robert M. Chase
Charles E. Kestyn
J. Eugene Corriveau
Herve E. Pelland

Respectfully submitted,
Joan M. Giard
Joan M. Giard, Clerk