

BELLINGHAM PLANNING BOARD
TOWN HALL - PLANNING BOARD ROOM
BELLINGHAM, MASSACHUSETTS

Regular Meeting of June 18, 1970

Members Present : James E. Hart, Chairman
Gerard L. Daigle, Vice Chairman
Timothy J. Hannigan
Michele S. Parisi
Sergio Rotatori

Chairman Hart called the meeting to order at 8:05 P.M.
Minutes of the May 21st meeting were unanimously approved as read on a Hannigan-Rotatori motion.

Minutes of the June 4th meeting were unanimously approved as read on a Rotatori-Daigle motion.

Hart disclosed that Mr. Reynolds, Consultant to the Water Department was in touch with him and had told him there were no federal or state grants available at this time.

Mr. Limbo was also in touch with Hart and is now seeking to change 71 acres on South Main Street from Agricultural to Multi-Family. On a Parisi-Hannigan motion it was unanimously voted to ask Mr. Limbo to appear before the board at the next meeting. Plan was then taken under advisement.

PUBLIC HEARING

Chairman Hart called the Public Hearing on amending the by-laws on Earth Removal to order at 8:30 P.M. Secretary read the advertisement as it appeared in the papers. On a Hannigan-Parisi motion it was unanimously voted to adjourn the Public Hearing to the downstairs hall.

Approximately thirteen people appeared including members from the Zoning Board. Joe Rosenfeld stated that he had owned land in town for 25 to 30 years and that he had always appeared before the Selectmen to obtain permits for the two year period. During this time there were no complaints against him. He agreed that any new permits should conform to section 3900 but felt the old permits should be exempted. Hart replied that if this were the case then there would be no need to draw up an amendment to the present bylaws.

Selectman Tuttle stated under 3920 permits would be obtained from the Board of Appeals and not the Selectmen. He questioned why the administering agency should be the Zoning Board. Parisi replied that most towns are switching over to the Zoning Board and this has been recommended by the commission on natural resources. Tuttle stated he could not see where it is in the Zoning Board's area since the scope of the permits is much greater than just zoning.

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Public Hearing - Earth Removal

Tuttle also read the opening statement of the proposal which sought to amend Article IX, Section 2 of the Town By-laws. He questioned whether the amendment could be brought before the Town at a Special Meeting or whether it would have to wait for the annual.

Parisi commented that quite a bit of study and consideration had been put into the Earth Removal By-law for the past 1½ years. The intent of the proposal is to up-date the zoning by-laws; it is not the intent or purpose of the proposal to put any firm out of business.

Varney stated he probably could not comply with 3921 saying engineering had been taking place on his parcels since 1960 and the plans were not near being completed. There was just not enough manpower to do the job. Parisi stated under the new by-laws, if hardships were caused, under 3970 Zoning Board could grant exceptions. Varney stated that he had no objections to 3940, Restoration, and he could comply with it since he was already doing so.

Rosenfeld questioned why it was such a pressing thing to bring about a new by-law since there had been no violations. Since he was in business he would not just pick up and leave town. Also since he had been in business for 30 years in Bellingham shouldn't he be exempted from 3900 under the grandfather clause.

Varney asked under 3922 the word "shall" be changed to "May" be posted regarding the bond. Under 3942 the requirement that all tree stumps be removed be changed so the stumps could be buried rather than fill up the dump. He also felt 3950 setting working hours was just language and unnecessary.

Rosenfeld asked if he would have to depend on the Zoning Board to issue him a permit to allow him to remain in the earth removal business. Parisi replied if he met all requirements of 3900 the Board could not deny him a permit. If a permit were denied he could always appeal to the courts, the same as he can do now with the Selectmen.

Tuttle questioned 3910 a) and the 50 cubic yard figure. Parisi stated that 10 truckloads of soil was quite a bit of soil and if an individual land owner was just shifting it around his property he could get an exemption as a hardship case.

Tuttle questioned who on the Zoning Board was qualified to interpret 3921 for the Board and wouldn't they have to be a registered land surveyor or engineer to follow through on 3921.

Selectmen Prior stated that he thought it was about time that the town had some laws governing earth removal. If 3941 were in effect now the town would not be faced with the situation

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that now exists adjacent to the cemetery in North Bellingham. The by-law would insure that any land that had been used would be restored. No hardships should exist under 3921 - topography at 5 foot contour - as this could be complied with by ground survey maps.

Hart stated that the Board had tried to comply with Rosenfeld's and Varneys' requests and had discussed the proposal with them. He said since both men were already complying with the by-law, the new laws should be no trouble for them. It was just being put in writing.

Public Hearing was adjourned at 9:30 P.M. on a Parisi-Rotarori motion. Unanimous.

Regular Meeting - June 18th

A bill in the amount of \$102.30 to the Milford News covering cost of Public Hearing on Earth Removal was unanimously approved for payment on a Hannigan-Daigle motion.

A bill in the amount of \$80.32 to the Woonsocket Call to cover advertising the Public Hearing on Earth Removal was unanimously approved on a Hannigan-Daigle motion.

Parisi brought up a point of interest regarding Hopkinton as a prime site for the new airport. This was not proposed by the MAPC. A commission was set up including members from MAPC, Port Authority and Airport Commission. That study group proposed Hopkinton and not the MAPC.

Daigle mentioned a point of interest with regard to the Center Study. A private survey team had been studying the use of Blackstone-Saddleback Hill as a by-pass of the center for 140. Firm had been hired by State. A team was also studying the relocation of 126 as objections had been made that the road was going to be in the way of the new airport in town.

The public hearing on earth removal was discussed. On a Daigle-Parisi motion it was unanimously voted to take the proposal under advisement until a full board could be present. A letter will be sent to Counsel Ambler as to whether the amendment would have to wait for the annual meeting.

Meeting adjourned at 10:35 P.M. on a Parisi-Rotarori motion.

APPROVED AS READ:

Respectfully submitted:

Gerard L. Daigle
Samuel Hannigan
Michelle S. Parisi

Gerard L. Daigle
Gerard L. Daigle, Clerk