

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

Regular Meeting of April 13, 1972

Members Present: Sergio Rotatori, Vice-Chairman
Wilfred P. Arcand
Timothy J. Hannigan

Acting Chairman Rotatori opened the meeting at 8:00 P.M. and dispensed with the regular order of business. No objections.

Leroy Johnson inquired about the remainder of Vincent Thayer's Brookside Estates. No plans or maps of Thayer Street or Brookside Road could be found. Chief Thayer said 730' of Brookside Road and 325' of Thayer Street had been accepted by the town at the annual meeting. Thayer was asked to bring in an additional set of maps.

John D. Halnon, Jr. of Millis submitted a plan of 7 lots located at the southeasterly side of the intersection of Blackstone Street and North Street containing about 7.6 acres. On a Hannigan-Arcand motion it was unanimously voted to accept the plan of John Halnon, Approval Not Required.

Al Brown of Caryville submitted a plan of land off Hartford Avenue all marshland. Brown wishes to transfer ownership to the Boston Edison Company. No Form A was filed. Brown will return to the next meeting.

Roland Cesaroni of Prospect Street submitted a plan of land containing 6,600 sq. ft. with 77' frontage off Linwood Avenue. No Form A filed. Arcand stated it was an undersized lot and he owned land next to it and therefore the Board could not approve it. Even with the addition of his adjoining land the lot would be undersized. Cesaroni will have his engineers draw up a new plan.

PUBLIC HEARING - LAKE STREET REZONING TO RESIDENTIAL

Chairman Rotatori opened the Public Hearing on rezoning approximately sixty-seven and one-half acres of land located on the southeasterly side of Lake street. Land is presently zoned agricultural and request is to rezone it residential. On a Hannigan-Arcand motion it was unanimously voted to adjourn to the lower hall to accomodate the crowd. Public hearing was reopened in the lower town hall. Secretary read the notice of the hearing. Approx. 30 people attended. Petitioner John Kaitz spoke in favor of the rezoning stating he would like to take the plan that was approved in 1963 and have it rezoned residential. This would save him additional engineering fees and give the Town a nice development. An unidentified lady stated the land was tested two years ago and was found to have poor drainage.

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Kaitz stated he has owned the land since 1963 and has never tested it nor proposed it for building. Lorusso has never owned this piece of property. Kaitz had asked him to develop the property in 1963.

Roland Arcand asked where the drainage is going to go.

Kaitz answered he was going to have it piped, and they have an easement. Whatever the town wants, a 20" pipe is possible.

Arcand stated he has two 12" pipes in there now and it still doesn't take it.

Kaitz stated it would be engineered properly and piped properly.

George Holmes representing the Conservation Committee showed soil limitations maps. Land was right in the middle of severe wetness and severe bedrock and unsuitable for home sites.

Kaitz stated he was here only for rezoning and all septic systems would be under the Board of Health.

Holmes stated one of the reasons for the rezoning would be for smaller lots with more homes. His understanding for the rezoning was that they do not live up to the requirements of an agriculturally zoned lot.

Kaitz answered we have 30,000 to 32,000 sq. ft. at least and would not go any lower if the area was rezoned.

Mr. Lavalley of 355 Lake street stated there was a natural pond on the land and there was not adequate drainage in the area.

Kaitz stated the pond was blocked up and was not a natural pond. He would guarantee that you could not fill in a natural pond, and asked where their drainage went. Everybody drains into the ground and it eventually drains into a brook or a stream by that time it is pure water.

Lloyd Rhodes asked what the purpose of the rezoning was.

Kaitz stated he just did not want to have to do more engineering. He would sign any agreement they wanted that the lots will not change size if rezoned.

Holmes stated he could sign anything on the plan and then sell the property with someone else coming in and putting up houses on 20,000 sq. ft.

Kaitz said a legal instrument could be attached as a covenant to the land.

Rhodes stated it was a bad piece of land to build houses on.

Kaitz stated he was here just for the rezoning of land and for nothing else. He would have to go before the various departments for their permits.

Rhodes questioned if the land could be rezoned without a town meeting.

Rotatori answered no.

Holmes asked what the Board used for criteria in basing their decisions for rezoning. If they consider the type of land for rezoning, and the use of it.

Rotatori answered if Kaitz would change his plan to 40,000 the Board would have to approve the plan, they would have no choice.

Kaitz stated he was trying to come here openingly, and tell the people that the thing can be built with either 84 homes or 69. He can also come in under snob zoning or cluster zoning. I do not want to come in and put up shacks.

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Holmes stated he was speaking for the Conservation Commission and they felt the land was completely inadequate for building homes and could contaminate the river and water shed.

Kaitz stated he was on the other side of the fence and he says that buildings are needed. What they really don't want is more homes now that they have their own.

Holmes stated he was basing his decision on the state's soil limitation map.

Kaitz stated he would have to go by whatever the Hatch Act says. I will do whatever I have to do to prepare the land properly.

Mrs. Ann White stated when the Town first built the wells it was used as a watershed. On the top of the property it is all watershed, the court said it was. Land was just taken from us because it was within 400 ft. of the well. The brook goes through our land.

William Lord asked how this would effect the other adjacent properties.

Kaitz stated he would have to meet all the town and state requirements plus whatever the Hatch Act says.

Holmes said it would probably be violated.

Hannigan stated an example in town where the owner tried to fill in the land, the Conservation Commission called the state and the land has never been abled to be filled in. All this man wants is to have the land rezoned to residential. It is then up to him to meet all the necessary requirements.

Kaitz stated the Town could cooperate with him or cost him \$10,000 in engineering fees. Then I will keep the roads just as they are and come back with the 40,000.

Holmes stated he would rather see 67-69 homes rather than 84.

Rhodes stated you would have 1/3 more problems if you were to rezone and can't see the sense of creating more problems.

Mrs. White asked Kaitz if this was the land that was recently in the papers as being transferred.

Kaitz stated he has owned the land since 1963 and it has never changed hands.

Katherine M. Crooks stated she was thiking of the impact this building would have on the Town. We cannot afford taxes for more schools. There are lots of things wrong in town without adding to them.

Jean Trudel, Superintendent of the Water Department said the plans have never been submitted to his department for their comments.

Rotatori stated the hearing was for rezoning only not for any building.

Trudel stated the Board should take all things into consideration before rezoning.

Kaitz stated no matter how many houses he were to build the water department would have to put in the water, they have no choice.

Holmes stated he would rather see the larger lots with fewer homes.

Ted Benoit said there was a recent case in town when the people did not appear for the rezoning, and now when there might be a

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problem with drainage the Board wants to know where the people where when it was rezoned. Well we are here to tell you the problems if you do rezone this piece of land. We do not want the land rezoned.

Rotatori stated the Board only makes a recommendation and then it goes before a Town Meeting and they decide.

George Chapman stated if the water supply is not adequate it would cost the town money for new pipes. The more homes you build the more money it is going to cost us.

Mrs. Crooks stated the Norfolk County was interested in the land for conservation purposes.

Kaltz stated he was never approached for any such use and he is the owner of the land.

On a Hannigan-Arcand motion the public hearing was closed at 9:30 P.M.

Arcand expressed appreciation to the Conservation Commission for their appearance.

Fernand Dalpe and Gerry Marchand appeared before the Board about the recent denial for rezoning to multi-family, stating they thought they did have the necessary 70% vacant land. A letter from Consultant Herr was shown stating the necessary vacant land was not there. It was suggested that Dalpe have his engineer get in touch with Herr. Arcand stated if the engineer could prove that the necessary 70% was there he would be in favor of another hearing. Dalpe will attend the next meeting and talk to Herr.

On an Arcand-Rotatori motion it was unanimously voted to accept the reading of the minutes of the March 23rd meeting.

Arcand stated he was in touch with Sanford Construction and they will repair the streets in the Pilgrim Village section. Gerry Daigle, Highway Superintendent, has the letter stating they will repair the roads.

On a Hannigan-Arcand motion the following bills were unanimously voted for payment: Woonsocket Call, advertising Lake St. rezoning \$42.50, Milford Daily News same advertising, \$64.75, Registry of Deeds \$1.00 additional registration fee.

Public Hearing on rezoning property off Lake Street was discussed. Arcand stated he did not think it was a burden to the town to have the area rezoned. The land was zoned agricultural and should stay that way. The only benefit for rezoning is to the developer so he doesn't have to come up with another set of plans. There is also a question of whether or not it is spot zoning.

Hannigan stated he could always come back with a plan for 40,000 and the Board would have to sign it. If we go on record as not favoring the rezoning, and he comes in with a new plan, the townspeople will blame the Board for new building. If we

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favor the rezoning, the town meeting can kill it if it wants. Arcand stated he did not feel that way. The people who attended the hearing didn't want the rezoning, and if we deny the zoning we'll show them we listen to them. The Planning Board has been very lenient in the past and I think it is about time the Board uses the Rules and Regulations.

Rotatori said he didn't think the Board recommended much other than apartments and the people themselves voted apartment housing. The land should stay agricultural, if the area does build up then have the whole area rezoned.

On a Hannigan-Arcand motion, it was unanimously voted to deny the petition to rezone approximately $67\frac{1}{2}$ acres of agriculturally zoned land to residential.

On a Hannigan-Arcand motion, meeting was adjourned at 11:00 P.M.

APPROVED AS READ:

Emily Hawley
Sergio Rotatori
Wilfred P. Quack

Respectfully Submitted:

Sergio Rotatori, Clerk