

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

Regular Meeting of June 8, 1972

Members Present: James E. Hart, Chairman  
Sergio Rotatori, Vice Chairman, Clerk  
Wilfred P. Arcand  
Joseph G. Cortes  
Timothy J. Hannigan

Chairman Hart called the meeting to order at 8:00 P.M.

Minutes of the May 25th meeting were unanimously approved as read on an Arcand-Rotatori motion.

Walter Stearns, Zoning Agent, appeared before the Board with Mr. and Mrs. Kenneth Brown and Mrs. Ralph Tomao of Candace Dr. regarding fences around pools. Hart told the people, as far as the Board went, the only thing the Town didn't have is the requirement of a fence. Consultant Herr is currently drafting up amendments covering pools. Mrs Tomao stated two pools were installed last year in her neighborhood and she was under the impression fences were required. Two five year old girls almost drowned as they were caught walking around the edge of a pool. All of the people she had contacted were in favor of fences. Cortes pointed out the grandfather clause where pools up prior to requirements were not subject to the law. Mrs. Tomao stated it is for the safety of the public and she would want the law to cover all pools. Hannigan said a fence would not necessarily prevent a child from checking out a pool, and if the law were to cover all pools, there might be strong opposition on the town floor from pool owners. Stearns stated in matters of public safety the grandfather clause did not have to apply. Rotatori said the Board had to study both sides of the question. Hart stated the Board is currently studying fences. The Board was not saying they were against them. Brown questioned Hart on his personal opinion on fences. Hart said he personally did not feel they were necessary in all cases, but in places such as developments, they would be necessary. If a majority of the people want fences required, we should have them. Mrs. Tomao stated the laws would have to apply to all fences. Arcand said it would have to be worded right. When the Building Inspector issues a permit, he suggests that they put in a fence for the owner's protection as well as the safety of children. The Browns and Mrs. Tomao said they would attend the next meeting when Herr would be present.

A plan of land off Lake Street, Lot 2 containing 55,698 Sq. Ft. and Lot 1 containing 49,206 sq. ft. with a 50' cart path of Howard R. and Mary C. Burr were presented for approval. On a Rotatori-Hannigan motion the plan of Lots 1 and 2 off Lake Street was unanimously approved, Approval Not Required.

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Chairman Hart said he had checked to see if the Board had an article on the Special Town Meeting in July calling for topographical maps. The Clerk of the Selectmen had told him this afternoon that the warrant was not available, but that the Planning Board did have an article for maps. Hart told her to take it off, and that they had no right to put anything on the Special for the Planning Board. There was no article going on the warrant without the five Board members knowing about it. He was against it 100%. On a Hart-Arcand motion, the Board would vote against the article. Motion was then opened for discussion. Rotatori stated he did not see how they could vote against something they knew nothing about. They did not know what the maps were for. How would the Town expect to solve their problems without topo maps. Hannigan stated the Board did have topo maps. Cortes stated these maps were not simply topo maps, but were special.

Board then went into executive session to discuss personalities. During executive session the Board voted on a Hannigan-Arcand motion to write the Selectmen a letter having the article on topo maps removed from the Special Town Meeting and the Planning Board would vote against any such article. Hart voted for with, Rotatori and Cortes abstaining.

Further discussion was held regarding the article. Larry Cibley stated he had told Hart he thought there would be an article on the town warrant sponsored by the Planning Board. Rotatori stated they were voting on an article they weren't even sure was on the Warrant. They did not even know what was going on. Hart stated he approached Doris Pickering, Selectmen's Clerk, this afternoon and asked if the Warrant was out. She said "No". Is there an article sponsored on the Warrant by the Planning Board, she said "yes". Who told you to put it on the Warrant Hart said he asked Mrs. Pickering. "Leo Mayewski" said Mrs. Pickering. Larry Cibley said he told Mrs. Pickering what he wants to know is there going to be an Article about topo maps on the Warrant. She said there is no articles ready.

Lee Ambler is going to draw one up and it is going to be sponsored by the Planning Board. Hart stated that was after she found out who he was. Arcand said he called her around 4:45 P.M. today and she said there is an article on the Warrant and that the Planning Board was going to vote on it tonight. Cibley stated after Ambler had drawn up the article, he would have to have it sent to the Planning Board for their approval. Hannigan stated if the Board wanted an article placed on the Warrant we would have asked for it, not Leo Mayewski. What the Board was disturbed about is how it was done, the way it was handled.

Larry Cibley said he would say Willy Arcand is right but that Jim Hart is wrong, because he was with Hart. There is no warrant drawn up yet.

Hannigan stated he was not saying there is a warrant, but a member of the Board called the Selectmen's Clerk at 4:45 P.M. and she must have mislead him.

Leo Mayewski appeared and was invited by the Board to speak. A committee had been set up with a number of Board members to study sewerage in Town. At that time I thought it was essential

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to obtain a set of photography contour topo maps. I asked Mr. LaPlante of the Assessors to contact the people who had prepared the tax maps to obtain an estimate of cost. This he did, and it was brought before the Selectmen. We wanted to have it sponsored by the Planning Board because they would utilize the maps more. It was done in one of our work sessions and was not in the papers. I attempted to call Hart at his office but could not reach him, so I talked to Rotatori, and told him there should be an article for topo maps on the special. This was all done at the last minute, and I had intended to discuss it with all your Board this evening. Hart asked him if he had put an article on the Town Warrant for topo maps by the Planning Board. Mayewski said originally the article was going to be sponsored by the Health Dept, but thought it would be more up to the Planning Board. Hart stated if the Board of Health lets him run their department that is up to them, but he is not going to run the Planning Board. Mayewski said he had no intention of stepping on anybody's toes. He apologized, and said he should have come before the Board last week. Cibley asked Mayewski if there is an article on the town Warrant for topo maps. Mayewski answered, tentatively, yes. There is no warrant as such, just sheets of paper with different spaces left for article on the Warrant. Friday was the deadline for articles on the Warrant, and the Selectmen just wanted to be sure the maps would be included on the Warrant. Hannigan said he thought the Clerk's mouth should be curbed. She is giving people some wrong answers. She should know what is going on, that is what she is getting paid for. Cibley stated they were being very unfair and ~~and~~ he was glad he was here to defend what was said. This thing should be put in its right perspective. All Leo did was to ask Lee Ambler to draw up an article. Cortes asked if the flights for the maps were already flown. Mayewski answered they were not done in the detail they needed. They would be totally different maps that what the Assessors had for the tax evaluation. I should have contacted the Board much earlier. I did talk to two members of the Board. Hart stated he did not like the way it was done and thought it was underhanded. He was voting against maps that cost \$32,000 and what he knew nothing about. Hannigan said if the Selectmen felt it was good for the Town, the Planning Board, he was sure will not go against anything that is good for the Town. He was against the way it was done. Cortes said it would have been nicer if we had asked Mayewski to come in and talk to us about it first. Mayewski said he was here to come in to explain to the Board about the article. Hart told me not to come in to the Board. I would be glad to explain it to you. Arcand said he thought the courtesy should be extended to Mayewski to explain the maps to the Board. Hannigan suggested the discussion end and that Mayewski come back on the 22nd to discuss it further. Mayewski suggested it would be too late for the town Warrant, and he felt it was very urgent. Hannigan asked if it could wait for the next special, and felt it was too rushed for July's meeting. Mayewski said

*J.H. L.C.*  
*[Signature]*



the warrant was closed as of last Friday, the intent has to be made by that time. Hart stated if the Board voted on this article it would be illegal. We had no intent to put it on. On a Hannigan-Rotatori motion the Board will meet with Leo Mayewski on the 27th of July at 8:30 P.M. to discuss topo maps. Cortes and Arcand for, Hart abstaining. Rotatori asked that a letter be written to Phil Herr asking for a list of maps that the Board now has available.

Arcand told Mayewski that he was one of the Planning Board members present when Mayewski suggested setting up a committee to study sewerage. He was aware that Mayewski had received a letter telling of another meeting in Woonsocket this evening, and that he should have passed the courtesy on of telling the Board of the meeting, since one of our members will be serving on the committee. Mayewski said he was not able to go as was Mike Parisi, and he thought someone should go from the Board of Health and he asked Ralph Cook to go and report back. He had just received notice of the meeting this Tuesday and he did not have the time to notify everyone. Hart said the Board could make up their own minds, as to which meeting they would attend. Mayewski said it was his understanding it would be just to set things up and that the committee would be told by Cook of what went on.

Correspondence was reviewed.

Letter was received from residents of Sunset Court asking the Board not approve release of bonds held on the street. A preliminary survey had been made of the boundaries and they were found not to be in accordance with the recorded plans. They were going to have a certified survey made of the property with the results sent to the Board. Letter will be held for Herr's opinion. Bond has already been released on Sunset Court.

Department of Natural Resources told of an Extension Permit to Edward R. Lembo for Wades Pond property. Hart suggested that Herr be asked if the extension is legal without another public hearing.

Cortese said he was contacted Wednesday by Stivaletto Construction. They wanted to build multi-family homes on the land and would give Wades Pond to the town for a bathing area, after cleaning out the pond and putting sand in and a bath house. What he wants is a permit to build apartments. Rotatori said he had given the pond to the Town and that the Park Commission refused it. Hannigan said he has given the pond to the Town a number of times. The first time it would be at a slight fee to the Town. Another time he wanted both business and apartments and we turned him down. Hart stated it was not up to the Board to give him any permits for apartments, it would be up to the Town Meeting.

A letter will be written to Zoning Agent Stearns asking for



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the return of the filing cabinet for the Boards' maps, as soon as possible.

A discussion was again held on Section 9 of the Board of Health Rules and Regulations. Hart said he was 100% against Sec. 9 and if the Health Dept. had to have Sec. 9 thought it should be at least 20,000 sq. ft. to avoid confusion. Arcand stated if their Rules and Regulations went through as proposed, it would be law. He wanted to go on record as being against Sec. 9. On an Arcand-Hart motion it was the unanimous vote to inform the Board of Health that the Planning Board was opposed to Section 9. Copy to go to the Selectmen. Arcand said it was state law that a well has to be 100' from the septic system. Hart said Sec. 9 was not needed with their rules. They should eliminate Sect. 9 completely.

Rotatori said that from now on any Planning Board business has to be conducted on the second and fourth Thursday's of the month. The Board was in agreement.

On a Hannigan-Hart motion the meeting was adjourned at 11:15 P.M.

APPROVED AS READ:

Respectfully Submitted:

*Imachy Hannigan*  
*Walter P. Arcand*  
*Sergio Rotatori*  
*Joseph H. Costa*

Sergio Rotatori