

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

Regular Meeting of July 27, 1972

Members Present: James E. Hart, Chairman
Sergio Rotatori, Vice-Chairman, Clerk
Wilfred F. Arcand
Joseph G. Cortes

Chairman Hart called the meeting to order at 8:00 P.M.
Zoning Agent Henry Borowski reported that he had checked into the mobil home on Maple Street and they reported to him that they were planning to build on the site. The people reported they had talked to the Selectmen two times and they will get in touch with Borowski. Hart stated the only extension they could get would be a thirty-day temporary permit.

Minutes of the July 13th meeting were unanimously approved as read on a Cortese-Rotatori motion.

George Morin and Carlo Musto talked to the Board about the extension of Newland Avenue. Musto told the Board he wanted to go in and put in all the water and necessary pipes and build the road. He would then seek a covenant. Hart stated he would rather see a bond rather than a covenant. He pointed out the situation in Hillsdale Estates where the builder put up five houses and built the road. When the houses were completed the Board released the covenant. The builder came back and built houses on every other lot and the Town had to pay for the repairs. Consultant Herr said if everything is done the builder would not need a bond, it is his choice either a covenant or a bond. Musto stated he would rather have a covenant. Arcand said if a covenant is asked for the builder would have to put in the street and all drainage and then the Board can release the houses one by one. Rotatori stated there have been occasions where the Board has released streets and then the Town has had to pay to put them in shape. Musto again said he wanted to go with a covenant. George Morin stated he would have Judge Shaw draw up the deeds and transfer the covenant over to Musto.

Plan of land of Waldo I. Cook, Jr. on Chestnut Street was presented, Approval Not Required. On a Rotatori-Cortes motion, the above plan was unanimously approved.

Albert Clack and Mr. Ellsworth and several associates met with the Board and presented new plans for the Center Park Estates. Plan had been redesigned and all lots changed in size to conform to present zoning and new drainage was shown. Streets remain the same as drawn previously. Question of a public hearing was brought up by Arcand, and Ellsworth stated they had read the subdivision rules and understood that no hearing was needed. Herr stated someone might argue that since

[Handwritten signatures: J.E.H., W.F.A., J.G.C.]

the lot size and drainage was changed, they should have been notified. Ellsworth stated the drainage was just made deeper, and there were fewer lots than originally planned for. Hart stated a hearing would just be a waste of time. Clack stated the time factor was important to them. Arcand asked Herr if he thought a public hearing was necessary. Herr answered he thought it is questionable whether or not they need a hearing. It would be to the builders advantage to have one. Clack stated he would object because of the time factor, which was important to them. Clack stated they would be happy to post a bond. Hart stated it should be at \$30 per foot. Clack's attorney asked if the Board would sign approval of the plan subject to the posting of a bond at \$30/ft. Treasurer Trudeau will be contacted and the right forms drawn up. On a Rotatori-Arcand motion the Board unanimously approved the plan of Center Park Estates subject to the posting of a bond at \$30/foot. Approval Not Required.

Fernand Dalpe, Gerry Marchand and Bob Cournoyer talked with the Board about their request for rezoning to multi-family. Cournoyer told the Board in order to create a new district, it was not necessary to come before the Planning Board first. They realized that they have to come before the Board for drainage, etc. Before the second plan was presented the Board said yes they could rezone 20 acres of land to multi-family. Dalpe and Marchand approached the people involved and they all understood that it would not affect their single family status. We drew up a plan which we think has the necessary 70% vacant land. The Board sent us a letter the end of May saying they recommend against the rezoning because it conflicts with the single family development of the neighborhood. He would question this because there is so much cemetery land. The only reason they came before the Board in the first place was to explain their position, they could have gone to the town meeting first.

Larry Cibley stated he had informed Dalpe after consulting with Town Counsel and the Attorney General it would be his responsibility as Town Moderator to say they did not meet the specifications of the zoning laws, and he would not allow it on the warrant. Herr stated he felt a compromise on it was to say, at least the intent of the requirements. They could stand on the legal issue and prevent the townspeople from voting on it. He felt the people should have a chance to vote on it, and let the Planning Board make clear their feelings on it. He felt it should be acted on. Cournoyer suggested the Board reword their recommendation so there would be no violation of zoning but just a small technicality. Rotatori asked Herr if they, in fact, had the 70 % vacant land. Herr answered it was a technical question. They say they have an option for the land and will raze the buildings when rezoned. Cibley said Ambler told him that the fact that they had an option on this is a lot different than actually owning it. They are also showing two buildings that are to be razed, but in fact they are there right now. Cournoyer said this could also be

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legally put in writing that they are going to be razed. If it is rezoned we would have to go before the Zoning Board for a Special Permit and they would not give it to us unless they were razed. Cibley said Ambler said it was a technicality and if pushed into court it could go either way. Before the Town can vote on it, the land has to be vacant. Cournoyer again stated it was a technicality. Arcand stated he based his decision on the fact they did not have the required 70%. Cournoyer stated they had 70.6% with the buildings. Dalpe stated they were just cutting hairs not. Cournoyer stated they were here only to get the Board to reword their recommendation so it would not be so harsh. He felt they had the 70% or right around it. Rotatori stated he did not care if it was only a fraction, the rules are the rules, and if it were up to him they would have to own the whole 20 acres. Herr said in fact you only own a 9 acre parcel and it is a 20 acre district for only a 9 acre or so development. Cibley stated if the Board felt this way they should back an amendment that the people own the whole 20 acres. Rotatori stated they were going by the law and they don't have the 70%. Phil Herr said the intent of the law was to guide the apartment into places where they would fit in comfortably. In all the other cases they have fit in comfortably. They have been sway from single homes. One of the major egresses is through street they have single homes. The space may or may not meet the intent of the law. I don't think you can ignor that a lot of people object to it physically. It may be you would rather see the Board base their argument on the neighborhood. Cibley stated he would not let them go before the town meeting because the Planning Board says it is against zoning. The Town Council and the Attorney General said if I asked for the Board's recommendation and you say it does not conform to zoning, it is my job not to allow it. Then Dalpe can challenge my ruling. Ambler said he did not feel it was 70%. Herr said he felt the town should vote on it once and for all. Hart told Dalpe he would let them know of the Board's decision. Arcand asked Cibley if the Finance Committee's recommendation of the article was legal. Cibley said he asked them why they recommended the article and was told they were going to ask for a reconsideration vote before the town meeting was started. There is some question if it was legal for them to vote on it. Herr said if the Board were to cross out "and possibly the letter" then the town could vote on it. Cibley said Dalpe was not going to get the Board to change their mind on the plan, and if they think it is not a good idea for the town let them bring it before the meeting, and the Board can bring these things up. Adequate water was brought up. Marchand said they had been in touch with the Water Commissioner and they would share the cost of an 8" water main from Pulaski Blvd. This would benefit the whole area. Cibley asked Herr if they had the 70%. Herr answered with the buildings up he did not have the 70%, just under the 70%. With the buildings down they had just over the 70%. Marchand said

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they had the option to buy the land and raze the buildings. Herr stated he hoped the town would not argue only on the 69%. The Town Meeting should really consider if this is the kind of location for apartments. Arcand stated the reason he refused it was that the required 70% was not met. If they can prove they have the 70% he would approve the zoning. If they are that close with 69% or so vacant land wouldn't it be common courtesy to let the town people decide. Dalpe will be advised.

The application of Frank Thomas for a special permit to construct four additional one bedroom apartments was reviewed. Herr stated the drawing is misleading. They say there are four bedroom when in fact there are a lot more. There are two two-bedrooms and one one-bedroom, so in fact there are six bedrooms. Plans should be accompanied by a site plan and be checked by a registered architect. The Board should be concerned with the parking lot on the corner of Hixon and Hartford. Hixon can extend all the way to Milford. What he is doing is every time more units are approved more parking spaces are made and it could be difficult in the future to make good use out of Hixon in the future. The ground floor plan shows windows leading into existing structures and opening into existing structures. They are internal windows. There is incomplete information. Board will inform Zoning Board.

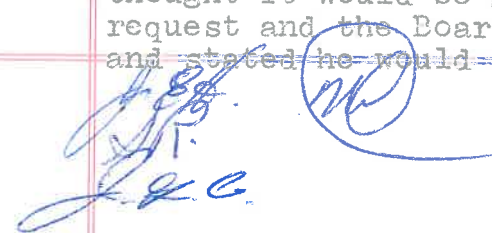
Arcand brought up the Dohlstrom trailer on Maple Street and asked Herr if a variance or a special permit was needed. Herr answered the only way to change a no requirement was by a variance.

Loud speakers was brought up to Herr. Under Sec. 3420 they are not permitted. Some towns are exempting recreational activities from this restriction. Inspector Borowski was told they are not permitted.

Herr went over parking spaces for the new tennis club with the Board. Herr stated there was more than enough parking and would be more concerned about the excess water from the buildings than the parking. Arcand stated there would be no trouble with the drainage as he had inspected it.

Borowski asked if a sign is knocked down by a motorist can he replace the sign. Herr answered if it was of the original height he could see no reason for a new permit. Rotatori stated he would like to see no political signs allowed in town. Borowski brought up the Tri-S's turning signs, saying they had replace the original turning sign with a new one. Herr stated they had lost their right when they replaced the old one. Turning signs are now illegal in town. A replacement would have to follow present zoning.

Dalpe's multi-family rezoning was discussed. Arcand stated he thought it would be good to let the town meeting hear the request and the Board to change their wording. Cortes agreeded, and stated he would like to see the Board make an amendment and



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be prepared to make a statement to the townspeople. Hart said it was bad planning and he would vote against it. Cibley told Hart if they would let Dalpe take the issue to the town floor he would not be denying them the right to be heard. Board will rewrite their recommendation of May 25th and leave out "and possibly the letter".

Bill from Philip E. Herr & Associates for \$1,500.00 for 1st and 2nd quarters was unanimously approved on a Rotatori-Arcand motion.

Meeting was adjourned at 11:20 P.M.

APPROVED AS READ:

Respectfully Submitted,

James Hart
Sergio Rotatori, Clerk

Sergio Rotatori
Joseph G. Gatti
Walter Blum