

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

Regular Meeting of August 10, 1972

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

Chairman Hart opened the meeting at 8:00 P.M., and dispensed with the regular order of business.

Attorney Leo Gosselin representing Emile and Aurore Masse presented a plan of land located on the northeasterly side of Wrentham Street containing three lots with three dwelling. Land is described in deed recorded Book 2503, Page 174. The three dwellings were erected prior to 1950; subdivision control law went into effect in Bellingham in 1956; section 81L of Chapter 41 provides that "the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision". Existing non-conforming use. On a Rotatori-Cortes motion the plan of Emile and Aurore Masse was unanimously approved, Approval Not Required. Arcand asked for a recorded copy of the plan to be sent to the Board.

Charlie Glenn representing Pilgrim Village Trust requested release of Lots 3001A, 3040B and 3041B as outlined in their letter of July 25, 1972 to Town Clerk. Letter was received from Highway Superintendent stating all conditions had been met to his satisfaction on that section of Wethersfield Road. Arcand stated he had looked the site over and there were some berms that had been run over by trucks since they were put in and should be corrected. Glenn had told Arcand they would be fixed. On an Arcand-Rotatori motion Lots 3001A, 3040B and 3041B were unanimously approved for release.

Mrs. Joseph Scclavino requested approval on a lot off Hartford Avenue containing 33,235 sq. ft on which a variance had been obtained from the Zoning Board. On a Rotatori-Cortese motion the plan of land off Hartford Avenue was unanimously approved.

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

Verne Brown told the Board he had a business on Rte. 140 off Bellingham Center and understood the Board was considering the land for rezoning, and wanted to see if anything could be done to get the rezoning rolling. Hart suggested Brown come to the next meeting when Consultant Herr would have more information.

Correspondence was reviewed.

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Copy was received from Town Counsel Ambler of a letter to Philip Herr. It was Ambler's decision that as judicially determined by the case of Vassa vs. the Board of Appeals of Brockton owners of land in a subdivision which had been approved during the three-year period that is prior to August 3, 1961 would have the benefits of the divisions of the zoning by-laws in affect at the time of their approval only up until a period of about three years. After that time current side and rear lot requirements as they exist today must be followed or a variance or special permit obtained.

Decision of the Board of Appeals on the petition of Frank D. Thomas was reviewed. Arcand told the Board that the Zoning Board did have a copy of plans from Thomas with a registered seal on it. Thomas said he was 27' from the road and when it was measured out by Building Inspector Borowski and Arcand the 27' line would have been 3/4 over the road. Arcand stated he was concerned with the future. Hixon Street could be a major street in the future and Thomas has plenty of land to build on other than next to the road. Arcand went on record that he disapproved the Board of Appeals' decision to grant a special permit, and said the Zoning Board was getting too lax. Hart told Borowski it was up to Thomas to prove he had the necessary footage. Borowski said he was requesting that Thomas have it staked out so it could be seen. On a Cortes-Rotatori motion it was unanimously voted to write to the Board of Appeals saying they objected to the granting of the Special Permit and questioned if the variance is a "good" variance since Section 3722 of the By-Laws were not complied with. The plans received by the Planning Board did not have the seal of a registered engineer or architect. Attorney Ambler will be asked for his advise, and if not what the next step would be.

Borowski asked if the Board would insert in their rules and regulations that a builder put stakes on the boundary lines. Rotatori stated he thought it was a good idea. Arcand said it was not necessary to put it in our rules as they could be made to provide markers under the state laws. Hart said before an occupancy permit is given that Borowski tell the builder he wants markers or pipe on the boundary lines.

Board discussed the South Middlesex Opportunity Council and their request to have the Board sign a checkpoint procedure for Coordination. Bellingham's representative to the council Mr. Cohen, told the Selectmen the Planning Board had refused to sign, and requested the Selectmen to sign. Hart reviewed the situation saying Mrs. McFaff had come before the Board and wanted them to sign. The Board said they would sign if Consultant Herr OK'd it. Mrs. McFaff called Hart back after Herr said it was all right to sign and Hart told her the Board would sign it at the next meeting. Mrs. McFaff said it would be too late. Rotatori reminded the Board he had made a statement a couple of meeting back that there would be no signing outside of the regular meetings. On a Cortes-Arcand motion it was unanimously

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voted to write the Selectmen that the Board takes issue with Mr. Cohen's remarks concerning the Board regarding SMOC. Cohen was never before the Board, and Mrs. McFaff stated the Planning Board's next meeting would be too late for her. The Board would be glad to discuss it further at any of their regular meetings.

Phil Herr will be asked to be prepared to study the rezoning to commercial district all the land from the Mendon line to the Franklin line on Rte 140, at his next meeting.

Rotatori asked Zoning Agent Borowski to ask Bungay Brook Sporting Club to slope their land to the proper finished grade as outlined in Section 3931. Bungay Brook will be notified.

The decision of the Board of Appeals to deny the petition of the American Legion for a Special Permit to construct entrance ways to the rear of their hall was discussed. Arcand told Borowski the Legion would have to be made to remove the entrance way already constructed. Borowski stated he would talk to the Legion about obtaining the necessary off street parking.

Meeting was adjourned at 10:30 P.M.

APPROVED AS READ:

Respectfully Submitted:

Sergio Rotatori, Clerk

W. J. P. Arcand

Sergio Rotatori

Joseph J. Costello

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