

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

Regular Meeting of September 14, 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.

Gerard Daigle, Highway Superintendent, told the Board he had inspected Arbend Circle as constructed by Pilgrim Village Trust and found that the roadway, berms, drainage and gravel areas have been constructed meeting all Planning Board rules and regulations. Since the driveways were not yet finished Daigle suggested that Pilgrim Village Trust be asked to post a bond for \$1500.00 to cover any damage done to the berms, etc. Lots could then be released.

Daigle told the Board he had gone down to Center Park Estates after receiving a set of plans from the builder. He told the Board the new plans did not conform to the rules and regulations of the Town of Bellingham. The old plans had catch basins, on the new plans the entire drainage system has been changed. We will have drainage problems on the plan as it now stands. Hart asked if the new system is as good as the old one. Daigle stated no, it is not as complete. They have eliminated manholes and a couple of basins. The work is all in except for about 13 days work and the contractor has done the work the way the plans are layed out. It is my job to inspect the system as it is put down on the plans the Planning Board signs. The whole system would have to be done over in order to put in manholes now. If a catch basin clogs up the whole system is clogged. Daigle said he did ask the foreman if he would tie in the first two manholes and basins at the top of Center Street. This would eliminate a dead end system. He said he would but to date has not done so. Hart told Daigle to tell the foreman that the Planning Board wants the work done.

Charles Glenn of Pilgrim Village Trust was told the Board would release the requested lots on Arbend Circle once the bond is received for the driveways. Glenn stated he would see that it was done.

Roger Cournoyer presented the Board with a plan of two lots on the southerly side of Blackstone Street containing 2.96 acres. Board reviewed the original plan of seven lots. Lots C and part of Lot D were combined for 1.428 acres and Lot E and the remainder of Lot D were combined for 1.536 acres, and Cournoyer will be building duplex houses. Land in back will not be landlocked. On an Arcand-Rotatori motion the plan of Roger Cournoyer two lots containing approx. 2.96 acres was unanimously approved.

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Tommy Clark and his Attorney Paul Moriarity spoke to the Board about the proposed rezoning to Business along Rte. 140 near the Mendon line. Moriarity told the Board he had a suit pending against the Board of Appeals on a variance given to William Hood and the proposed rezoning would obviously be a prejudice for or against his case. Hart told them the rezoning was not being done for Hood's benefit, that all the agricultural land on Rte. 140 from Mendon to Franklin was under consideration. Rotatori told them the only district that would allow a junk yard would be in an industrial area. Arcand asked if they were in the process of filing an injunction against the zoning. Moriarity answered no, he was just in the position of thinking about it, and by coming to the Board was just trying to stop himself from getting more work. Hart stated if the land is zoned business Hood would not be able to have a junk yard. Moriarity said there would be a lot of things that Hood would be able to do that he is not allowed now. Rotatori stated the land would have to be zoned Industrial in order to have it run to its full capacity. Hart stated there would be no new farms coming to town and that is the reason the Board wants to rezone all agricultural area to commercial. Arcand asked Clark if he thought the Board was infringing on his rights. Clark answered yes, because he doesn't want a junk yard next to him. Moriarity stated the Board was taking away his property rights because eventually Hood is going to get a junk yard permit. It is much easier to get a junk permit going from a commercial zone than an agricultural zone. Rotatori said the rezoning was brought up a year ago and this was not the only piece of land to be rezoned. All the agricultural land from Mendon to Franklin is included. Anything that is commercial can go into industrial land but not everything that goes into industrial can go into commercial land. Before a junk yard is permitted the selectmen have to hold a public hearing, and if they don't give him a permit he cannot have a junk yard permit. Arcand stated if there is a question of the Board infringing on Clark's rights the Board has waited this long, they could wait a little longer. On an Arcand-Rotatori motion it was unanimously voted to eliminate the agricultural section near the Mendon line from consideration for rezoning to commercial.

Arthur Stivaletta, Eddie Stivaletta, Attorney John Mally and Architect Bernard Goba showed the Board proposed plans for the Wades Pond area. Total area involved is 26 acres. Sketches showing the exact land use and occupancy of the adjacent area, topography, ground conditions, site vegetation and a diagram of the proposed site was presented. A small mini-mall of approx. 40-50,000 sq. ft. at one end of the site is planned. Multi-family housing of approx. 270 units would occupy 10% of the land with parking equal to 16%. Landscaped area would be approx. 66%. A small island created with fill from unbuildable parts of the site is planned which will in effect become a private beach. Units will be one to one and one half stories. 2 to 2½ acres will be set aside to be used by the town as a public swimming facility. Public parking and cost of constructing the public beach will be paid for by Stivaletta. Beach will

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then be given to the Town.

Rotatori asked about the drainage system, and was told surface drainage will be underground and kept away from the pond so it will be kept pollution free. Stivaletta's engineer is working on the septic system and the Board was told there would be a more than adequate system installed. a licence from the Dept. of Natural Resources has been given to fill in 6 acres of the pond. Stivaletta told the Board they would welcome any suggestions and will return with more complete sewage and drainage plans.

Attorney Patrick Murphy, Fernand Dalpe, Gerry Marchand and Bob Cournoyer met with the Board to discuss rezoning to multi-family land off Wrentham Street. Murphy said the rezoning would be of benefit to the entire town. Murphy had discussed the original land with Town Counsel Ambler and he thought it was a valid one, but stated he would not say Ambler agrees at this time. As an alternative plan, Murphy presented a plan for rezoning to multi-family Lot 1, 4 acres, Lot 2 and 2A, 10.80 acres, Lot 3 belonging to the Church of the Precious Blood 26.65 acres for a total of 41.45 acres. Lot 2 has 9.890 acres of vacant land and Lot 3 26.65 acres vacant for a total of 36.54 acres vacant land or 88.15%. Written permission from The Roman Catholic Church with permission to rezone will be shown. Hart said the Board was not against apartments but the original intent of multi-family was that they would be by themselves and nothing that the Board has recommended so far was in conflict with the neighborhood. 70% vacant land was not the only objection of the Board. A Public Hearing was set for October 2nd at 7:00 P.M. to hear the new proposal. Murphy stated the new proposal was being presented without prejudice and they were not saying the original plan was not right.

Minutes of the August 24th meeting was approved on a Cortes-Arcand motion, Rotatori for and Hart abstaining.

Plan of Frank Thomas with an engineer's seal was sent to the Board by the Zoning Board. Arcand said at the time of the hearing he pointed out that Sec. 3722 was being ignored and he still questions the right of the Zoning Board to give the Special Permit. Ambler's ruling will be waited for.

On a Rotatori-Arcand motion the following bills were unanimously approved for payment:

Milford Daily News - Rezoning 140 -	\$24.05
Woonsocket Call - " -	\$19.72
Milford Daily News - Revising multi-family -	\$18.50
Woonsocket Call - " -	\$14.96

Arcand questioned Zoning Agent Borowski if the American Legion appealed the decision of the Zoning Board. Borowski said no. Arcand stated since the 20 days appeal was over Borowski should go to the Legion and make them tear down the entryway. If it is not torn down they would be liable to citation at \$50 a day.

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Rotatori questioned Borowski about the sign at the Tri S. and was told when Borowski talked to him the owner said it was allowed but since that time Borowski has found out he didn't even have a permit for the sign itself. Arcand told him to tell the Tri S to comply or the Board of Selectmen can take away his license. Borowski said both the Mobil and the Shell signs were there before 1965. On the trailer situation on Maple Street, they are going to build and take out the trailer.

Arcand voiced his objection to Sec 9 of the Board of Health's Rules and Regulations restricting lot size to 30,000 sq. ft., saying he thought it was infringing on zoning. The state code says the well has to be 100' from the septic system, and also the Zoning Board of Appeals has the right to give a variance for an undersized lot and the state statute says 5,000' or more, you can build on. Arcand feels the Board of Health has no right to specify any amount of land. On an Arcand-Rotatori motion the Board voted unanimously to write to the Attorney General to ask for his opinion if Section 9 of the Board of Health infringes on zoning.

Rotatori told the Board the Woonsocket Planning Board was holding a public hearing the following night on a proposed highway running from 295 to the Industrial Park in Cumberland Road. They are going to try to connect it to our 495 and would like somebody from this Board to go down and approve the extension of 295 from the Industrial Park to 495. A letter voicing the Board's approval and support will be sent to the Woonsocket Planning Board, since no one was available to attend the hearing.

Wrentham Street rezoning was discussed. Cortes said he would like to see all the owners come before the Board for rezoning. Hart said just because a man conforms for the rezoning it doesn't mean the Board has to recommend it. Arcand stated if the Board did not mean Wrentham Road for multi-family they shouldn't have included it. Hart said there was one more piece that could be rezoned multi-family.

Arcand will find out how Franklin enforces their ban on political signs in town.

APPROVED AS READ:

Respectfully Submitted:

Sergio Rotatori, Clerk

Timothy Hart
Sergio Rotatori
Joseph J. Cortes
Walter P. Arcand