

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

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

Special Meeting of September 21, 1972

Chairman Hart opened the meeting at 6:30 P.M.

Board discussed with Town Counsel Ambler their vote taken on September 14, 1972 where they agreeded to eliminate the agricultural section near the Mendon line for consideration for rezoning to commercial at the public hearing scheduled for September 28th. Ambler told the Board since a public hearing had been scheduled and advertised the matter should be opened for discussion at the hearing. He felt the Board acted improperly on the matter, and suggested the vote of the 14th be reversed with Mr. Clark and Attorney Moriarty notified. Cortes asked if the Board would be prejudicing themselves at the hearing on the 28th if the Board would change their stand of the 14th. Ambler answered anything that the Board would do now would be less prejudice than the vote already taken before the hearing is even held. Arcand said the only reason the Board voted that way was that the Board did not want to infringe on Clark's right. Ambler stated the Board represented the whole Town of Bellingham and the argument of infringing on anyone's rights is not true. One of the major arguments of the case against the Board of Appeals is that the granting of a variance was not in the general scheme of zoning in the town. Just the opposite is true. The Planning Board is considering rezoning certain lands from Agricultural to Business in order to make them more lucrative to business as the land is not going to be used productively for farms.

On an Arcand-Cortes motion it was unanimously voted to recind the motion taken on September 14, 1972 where the Board agreeded to eliminate the agricultural section near the Mendon line for consideration for rezoning to commercial due to the fact that the matter is subject to a public hearing to be held at the Planning Board room on September 28, 1972. Mr. Thomas Clark and Attorney Paul Moriarty to be notified Certified Mail, return receipt.

Board asked Ambler for his opinion on the Board of Appeals granting of a special permit to Frank Thomas. Ambler asked for all the applications of Thomas, plans sent to the Board and the complete file on Thomas before he would make a decision. Ambler pointed out Sec. 3722 where no permit shall be issued within 60 days of application without receipt of a report on such review, and suggested it should be within 60

[Handwritten signatures and initials in blue and red ink]

days from receipt by the Planning Board. Arcand pointed out the Board had notified the Zoning Board they did not receive a site plan prepared by a registered engineer or architect as required by Sec. 3722. and the Zoning Board Chairman ignored us, this is wrong. Ambler will be sent what he requested.

Arcand told Ambler the Board has a hearing for rezoning to multi-family on Wrentham Street, on the 2nd of October, but the land described is not the same as the one posted on the Warrant. Arcand asked Ambler if the new rezoning could be acted on at the town meeting. Ambler stated when there has been a warrant posted with exact descriptions one of the things included is a whole set of lines that shows the scope of the rezoning article. New lines cannot be drawn, action has to be taken on the original plan. The Board cannot change their vote on the original plan without a hearing on the original plan. When a public hearing is advertised for one thing that is what the Board is restricted to. Action cannot be taken on another proposal because the proper people have not been notified.

Meeting adjourned at 7:10 P.M. on a Cortes-Hannigan motion.

APPROVED AS READ:

Respectfully Submitted:

Sergio Rotatri, Clerk
JEB, Sec.

Wally P. Arcand
James E. Hannigan
Joseph R. Cortes, Jr.
Sergio Rotatri