

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

Regular Meeting of September 28, 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., and dispensed with the regular order of business.

Charles Glenn representing Pilgrim Village Trust gave the Board a bond for \$1,500.00 covering maintenance of Arbend Circle from Lots No. 3048 through 3056. Contract Bond was dated September 18, 1972 from the Fidelity and Deposit Company of Maryland. On a Hannigan-Arcand motion it was unanimously voted to release Lots 3048-3056 on Arbend Circle.

Richard Condon and Roger Creighton requested the Board to recommend Daniel Drive for acceptance. Article to appear on the October 19th special. Hart said the Board should recommend it as the town is already maintaining and plowing the street. Rotatori suggested the Board look the street over and Condon and Creighton can come back on the 2nd for the Board's recommendation.

Robert Cournoyer presented a plan of land of two parcels, A and B off Park Street, for Arthur Flinton, Jr. Plan was not approved as it did not meet the 150' frontage.

Minutes of the August 28th meeting were unanimously approved with the addition of Cortes' name shown as attending on a Cortes-Arcand motion.

Minutes of the September 14th meeting were unanimously approved as read on a Cortes-Arcand motion.

On a Hannigan-Arcand motion it was unanimously voted to adjourn to the upstairs hall for the public hearings.

PUBLIC HEARING - MULTI-FAMILY REQUIREMENT AMENDMENT

Chairman Hart opened the hearing at 8:35 P.M. and the secretary read the notice as it appeared in the papers. Approximately 20 interested persons attended.

Michele Parisi asked if the change in the by-laws was the requirement that there be one parcel of land 20 acres or over so that people would not apply for rezoning with someone else's land. Basically to single ownership. Hart stated it doesn't have to be owned by one person. Consultant Phil Herr stated there has been some question in the past about vacant land and we no longer make reference to vacant land. It was decided that if you have a single piece 20 acres this will accomplish the

*[Handwritten signatures and initials are visible at the bottom of the page, including "J.E.H.", "S.R.", and "J.G.C."]*

same objective. Hart stated he was not in agreement with doing away with the 70% requirement. Rest of the Board agreed. Herr replied the one thing that this amendment does is in order to get a building permit for multi-family housing you have to have 20 acres.

Parisi stated he thought single ownership would be the best way to handle. Hart answered this was not possible for legal reasons. Town Counsel Ambler agreed saying you would have serious problems if you stated single ownership. Lloyd Rhodes stated he would like to add his support that the 70% be retained. Board agreed that the 70% be retained.

On a Rotatori-Cortes motion hearing was closed at 8:50 P.M.

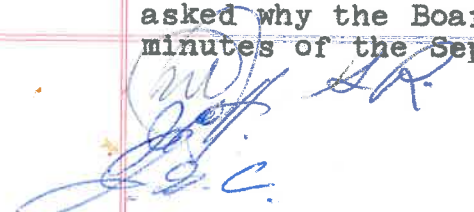
Board discussed with Herr Sec. 9 of the Board of Health's Rules and Regulations. Herr stated his question is whether or not the Attorney General was the right person to ask if it was legal or not. His job was to approve by-laws. Perhaps Quinn could deal with it better. Hart stated it was not right for the Board of Health to regulate zoning and somebody should be seen about it and have it changed. Herr stated they are in a gray area, and at the same time a copy should also go to the State Dept. of Public Health. Arcand stated he thought it also took away the right of the Zoning Board. Herr will draft up a letter.

Section 3722 regarding 60 days notice for Special Permit for multi-family was discussed with Herr. Section now states 60 days from date of application, and Board of Appeals can notify Planning Board on the 59th day. Herr stated it was not legal to make it 60 days from receipt of the Planning Board but suggested the word "forthwith" might be inserted to correct the situation.

#### PUBLIC HEARING - REZONING RTE. 140 TO BUSINESS

Chairman Hart opened the public hearing on rezoning three agricultural parcels of land on Rte. 140 to Business District, at 9:00 P.M. in the upper town hall. Approximately forty interested persons attended. Large zoning map outlining the proposed three parcels was outlined in red and displayed at the front of the hall. Secretary read the amendment as it appeared in the papers.

A resident asked what effect the rezoning would have on the area as far as taxes were concerned stating he had land and a home in the area and was concerned. Hart answered to the best of his knowledge the rezoning would have no effect on him. Attorney Paul J. Moriarty of Boston introduced himself stating he was representing Thomas Clark of South Main Street and Mrs. Rose Russen. Moriarty read a letter from the Planning Board dated September 22nd where they advised him that they had voted to rescind their motion taken on September 14th where they had agreed to eliminate the agricultural section near the Mendon line for consideration for rezoning to commercial due to the fact that the matter was subject to the public hearing. Moriarty asked why the Board had taken the action. Secretary read the minutes of the September 21st meeting pertaining to the matter.



Hart told him the Board recinded the original motion of the 14th because of the fact that they were not talking about one parcel of land, but all of the agricultural land between Mendon and Franklin on 140. Moriarty stated he was concerned only about a) and the Board had listened to his reasons why he thought it should be eliminated for consideration to rezoning as he had a suit against the Town of Bellingham and William Hood because of the Zoning Board of Appeals variance. The suit is due to be heard as soon as it could be marked up. Hart stated that is why the hearing is being held to hear everyone's side. Moriarty stated he assumed the Board was going to vote on one separate piece of land. Hart stated as far as your client is concerned, I don't see where it would hurt your client. Moriarty stated Clark was in the agricultural business. Moriarty then proceeded to read Pages 6 through 10 of the Zoning by-laws as amended through May 19, 1972 showing the difference between agricultural and business districts. Moriarty stated it would be very easy for someone to go from a business district to industrial use.

Town Counsel Lee Ambler stated he would like to clarify the issue in regard to the previous meetings and the reasons for his intervening in that action. He stated he thought the Board was in error on the 14th for listening to something that was due for public hearing on the 28th, and for taking action on it before the hearing. He would have advised the Board to take the same action if William Hood had appeared before the Board on the 14th and asked for their approval without hearing the arguments for and against the subject. The matter is a subject of a public hearing and it should be noted that no one has been injured by the previous action as Paul Moriarty and his client are here tonight.

Moriarty stated he also represented Mrs. Rose Russen and the notice said up to Russen Road and he could not find out where the road was. Hannigan pointed out to Moriarty on the large zoning map displayed just where Russen Road was. Moriarty was not satisfied and stated he wanted to go on record that he was not shown clearly where Russen Road was.

Hart stated they had been discussing the rezoning for several years and the Board was doing this for the benefit of the Town of Bellingham. The town has very little commercial land in town and there is not going to be much active farming coming into town. Rotatori stated the Board was considering for rezoning all the agricultural parcels of land on Rte 140 to commercial.

Michele Parisi stated Russen Road is included in this article and he didn't see where the specific geographic location of Russen Road is that pertinent. He stated he would like to add his support to the rezoning. When he was on the Board three years ago they had studied this type of zoning. He thought everything agricultural from the Mendon line to the Franklin line should be changed for a number of reasons. The town has a large amount of agriculturally zoned area in town and a large amount of industrial land in town. The town has not attracted much industry, and has little land zoned for business. He felt

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small business was attractive and contributed to taxes more than vacant agricultural land. He would be in favor of adding all three of these parcels to commercial.

Larry Cibley asked the Board if they were going to take a vote on the rezoning. Hannigan stated the Board was sponsoring the article. Arcand stated the board would take a vote on it before the town meeting. Herr stated the Board would make their recommendations on it on the town floor.

On a Hannigan-Cortes motion the hearing was closed at 9:30 P.M.

On a Hannigan-Cortes motion, it was voted to approve rezoning the agricultural and residential land as advertised in the papers to business district, Hart and Rotatori voting for and Arcand abstaining.

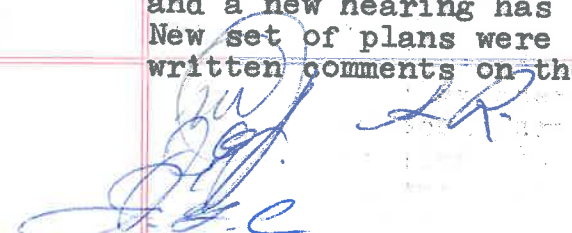
Board discussed with Herr the recommendation that will be made on the town floor regarding rezoning Rte. 140. Since there will not be 21 days from the hearing to the town meeting a recommendation has to be made vocally or orally or both on the town floor. Recommendation will be written up for the town meeting.

Herr presented a proposal which would split the town's business districts into two types. Hart asked what the point of making the district into two types would be. The town wasn't that big. Herr stated the town was that big and this is why the proposal was being made. Cortes stated it would be better planning so that there wouldn't be uncontrolled business. Most business districts abut residential districts. Hart stated they wanted to attract small business not make it harder for them. Lloyd Rhodes stated if you are going to attract business let it be quality business. The proposal being presented would do this. There is going to be a lot of business coming from Woonsocket that will be looking at Bellingham. He thought they should be taking a long range look at this. Board will study it and discuss it further at another meeting.

Section 3722 on multi-family was discussed. Cortes suggested it be rewritten so that the Board of Appeals be required to send the plans to the Planning Board within 24 hours from receipt of said plan, and thought just the word forthwith was too loose. Herr will rewrite the section.

Lloyd Rhodes questioned Herr on multi-family rezoning if they could insert something in the laws so that they won't take the land and put single family homes on it with 20,000 ft. lots. Herr stated they could make single family homes meet the agricultural requirements of 40,000 sq. ft.

Zoning Board of Appeals advised the board they had voided the special permit granted to Frank Thomas on August 4th to construct four one-bedroom apartments. Thomas had applied for 2 apartments and a new hearing has been set for October 19th at 8:30 P.M. New set of plans were sent along with a request for the Board's written comments on the matter. Herr reviewed the plans, and



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said there was no site plan and they are not prepared by a registered architect or engineer. 20' is needed from the road. The plans are not complete. He has no idea of parking spaces or septic arrangement. He stated it was an insult to ask someone to review this sort of plan, and suggested the application be voided because it is incomplete.

Herr questioned Rhodes about the abolition of the Capital Improvements Committee at the Town Meeting. Rhodes stated the duties of the Committee would be carried out by the Finance Committee. Herr said they would like to work with that committee and Rhodes agreed with the idea.

Cibley asked Herr if in some towns the Planning Board doesn't also serve on the School Building Needs Committee. Herr answered most towns look to the Planning Board for insight on such things as the enrollment analysis they did a couple of years back. Hart stated the Board would be glad to furnish them with anything they asked for. Cibley stated perhaps the School Building Needs should be made up of five members appointed by the Town Moderator, one Planning Board member and one representative from the School Committee.

Herr gave the Board copies of a recent of the Community Facilities in town.

Center Park Estates was discussed. Arcand gave Herr a set of plans that was signed by the Board and pointed out there was no manholes nor sidewalks shown. Hart said Daigle stated the drainage wasn't sufficient and asked them to change a few things. Hart had talked to Jean Trudel of the Water Department and he thought it was a fine system. Arcand said he had nothing to do with the Highway Department, and could only speak for the Water Department. Arcand asked Herr why a public hearing was not held on this set of plans. Herr answered because their definitive plan has the legal required frontage presently approved by the Planning Board. Arcand stated the Board had approved the plans in 1965 and they were under the five year statute and the plan was two years dead. Herr stated it was a very complex issue of when does a subdivision that the Planning Board approved dies after five years. Arcand said if the Board signed a set of plans seven years ago does that mean the road is good forever. Herr stated the Board has something in the Rules and Regulations if the road has not been developed after seven years you can recind it. After 7 years expires some zoning changes run out, but there is nothing in your plan where the roads of the plan runs out. The Board has entered into a contract and the Board has said we approve these streets. Arcand stated what he was saying is that the old set of plans is OK. Hart stated in fact they could have left the old drainage in place. Arcand stated they said they would post a bond and to this date have not done so with the Town Treasurer. He was in favor of having the Building Inspector pull out all building permits. Hart stated he did not see where the drainage was so bad. Arcand stated the Highway Superintendent was not going to

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approve the streets. Cibley said Clack said he would bond here within 24 hours, and the Board signed the plans. Herr Arcand questioned why a public hearing wasn't required. Herr stated if they had made a change where they would be draining water from the subdivision into someone else's land that would be a new subdivision, but if all they were doing was moving lot lines around he did not see where this made a new subdivision. Herr questioned how did they know the man was not going to put in sidewalks and Arcand said the contractor was not going to concern was that the Highway Superintendent was not going to recommend it. On an Arcand-Rotatori motion it was unanimously voted to initiate proceedings to recind both plans of 1972 and 1965 on Center Park Estates and to hold a public hearing on November. Further that Clack will be notified that the Board has taken this vote and that notice of the hearing will be advertised in the papers and abutters notified at the next meeting of the Board. If prior to that time the Board receives a bond securing completion of the street, bituminous concrete sidewalks on both sides of the street, improvements including surface and storm drainage system at least comparable to 1965 or satisfactory to the Highway Superintendent, the Board might recommend this action be reconsidered.

Cortes asked if Herr could write up some sort of a check list to discuss the subdivision. Herr said he could do this but it would not have helped them in for the Board to follow to guide them in approving subdivisions. Herr said he could do this but it would not have helped them in this situation as the plan was approval not required. If it had been a subdivision, Daigle would have been asked to review it. The Board would be recinding approval of this plan on the grounds they were mislabeled as approval not required and no public hearing has been held and approval was in error. The 1965 plan on the grounds that the zoning that applied has ceased to be applicable today.

Steps for recinding a plan is that a public hearing is held after notifying all abutters and advertising is placed in the papers. Board then takes a vote and if approval of the plan if recinded notice is sent to the registry of deeds.

Conservation Commission sent a questionnaire to be completed as the first step in requesting that the Soil Conservation Service conduct a Natural Resources Inventory. Meeting of the Advisory Group will be held on October 11th at 8:00 P.M. in the Lower Town Hall.

Following bills were approved unanimously on a Rotatori-Cortes motion: Woonsocket Call \$32.30 and Milford News \$44.40 rezoning Wrentham Street, Campus Center \$12.00 registration fees and Woonsocket Typewriter Co. \$22.25 office supplies.

Board discussed multi-family requirement of 70% and agreeded they all wanted it left in the by-laws. Herr will be consulted as to wording.

Frank Thomas' request for Special Permit was discussed and on

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a Rotatori-Cortes motion it was unanimously voted to suggest to the Zoning Board of Appeals that his plan is not complete.

Meeting adjourned at 11:30 P.M.

APPROVED AS READ:

Respectfully Submitted:

Sergio Rotatori, Clerk  
JEB Sec.

Welford A. A. A.  
James A. A.

Joseph A. Cortes, Jr.  
Sergio Rotatori