

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

Regular Meeting of December 28, 1972

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

Chairman Hart opened the meeting at 8:00 P.M.
Minutes of the December 14th meeting were unanimously approved
as read on an Arcand-Hannigan motion.

Stephen Pflug presented a plan of Mrs. Emile Ansel of two lots
located on the Northerly side of Pulaski Blvd. Lot #1 with
approximately 47,568 sq. ft and Lot #2 with 52,132 sq. ft. On
a Hannigan-Arcand motion, the plan was unanimously approved.
Arcand stated that the Conservation Commission should be notified
of the plan. Copy will be sent to them.

Pflug told the Board Schofield Brothers was working on Ozella's
land on Taunton Street to see what could be done with the
property. He asked what was the basis for the flood lines
drawn up in 1968. Herr told him it was based on a study done
by the Corps of Engineers. Hart told Pflug nothing could be
done until the Board saw the plans drawn up. Arcand told
Pflug that the State had pulled the original plans, and he
should inquire at the Conservation Commission, as he thought
they had a stop on all building, under the Hatch Act.

The following bills were unanimously approved on a Hannigan-
Arcand motion:

Baldwin Office Supply, 4 map files....	\$103.80
Woonsocket Call, advertising Heritage Pines.....	\$ 9.52
Milford News, advertising Heritage Pines.....	\$11.10
Woonsocket Call, advertising Bald Hill.....	\$13.60
Milford News, advertising Bald Hill.....	\$16.65
Woonsocket Call, advertising Brookside Estates....	\$11.90
Milford News, advertising Brookside Estates.....	\$14.80
Philip B. Herr & Associates, forth quarter....	\$750.00

PUBLIC HEARING - BALD HILL ESTATES

Chairman Hart opened the hearing on Bald Hill Estates at 8:30
P.M., and secretary read the notice as it appeared in the
papers. Approximately 10 people in attendance.

John Kaitz stated he was one of the owners of Bald Hill Estates
and said he wanted to be put on record that he has a mortgage
on this property and has entered into a contract with an
engineer and that there was an impending sale on the land and
any loss by him on this land caused by action taken by the
Planning Board, he would hold the Board responsible.

Hart asked if there was anyone who wanted to speak for or against

(Handwritten signatures and initials)
JP
JH
JH

December 28, 1972

Page 2

the proposal to recind approval on Bald Hill.

A representative of the Boy Scouts of America stated the Scouts owned property abutting Bald Hill and said they would be against developing of the land.

Olivia Benz stated she was opposed to any new subdivision as she knew the land and it was all rock.

Henry Borowski asked if the people would still be opposed if the land was not rock. He was not familiar with the land.

Mr. Staples said the land was solid rock and not suitable for building, and questioned how the sewerage system was going to be installed. The area already has a water problem.

Arcand asked Kaitz if he had proof of a mortgage note with him. Kaitz answered, no. He did not understand the people. At every meeting, everyone thinks they are an expert on what can and cannot be built on the land. If he can't build on solid rock, he wouldn't build. Kaitz stated there was no way that the Board could recind approval, if he conforms with zoning. If we cannot build there then the Board of Health will stop us.

Arcand said seven years has expired and the proper procedure is for the Board to hold a public hearing to recind approval of the subdivision. If a mortgage is held then we can't recind.

George Chapman of the Conservation Commission asked if Kaitz has to go through the Board of Health and the Conservation Commission if the seven years has expired. There was a possibility that the land was wetlands. If so he would have to come back to us for a permit.

Hart stated he would have to go before the Board of Health and Conservation Commission and all the other officials.

Kaitz stated he had consulted with his lawyer and was told when the seven years expires he has to come before the Board with a plan Approval Not Required.

Consultant Herr stated all the lot would have to conform to present subdivision laws, and asked Kaitz if he was willing to show proof of mortgage. Kaitz answered yes. Hart told him to do it at the next meeting. Kaitz said what he was talking about was Planning Board Approval Not Required and that this was the pertinent question at this point.

Herr stated the Town Counsel for the Town is studying this issue but this is not before the Board tonight. Kaitz did not have a plan of Approval Not Required before the Board tonight, this was for recinding the subdivision.

Hearing adjourned at 8:45 P.M. on a Hannigan-Arcand motion, unanimous.

Staples asked if it made a difference if there is a mortgage on the land. Herr answered the law says that the Board cannot recind approval if a mortgage is held.

PUBLIC HEARING - HERITAGE PINES

Chairman Hart opened the public hearing on recinding approval of Heritage Pines off South Main Street. Secretary read the notice of hearing as it appeared in the papers.

Hart asked if there was anyone who wished to speak either in favor or opposition. No one spoke.

December 28, 1972

Page 3

On an Arcand-Hannigan motion hearing was closed unanimously.

PUBLIC HEARING BROOKSIDE ESTATES

Chairman Hart opened the public hearing on recinding approval of Brookside Estates at 9:00 P.M. Secretary read the notice as it appeared in the papers.

Hart asked if anyone wished to speak either in favor or against the proposal.

Vincent Thayer introduced Gordon Shaw his attorney. Shaw asked the Board for the reason for making this move.

Consultant Herr answered the hearing was being held because the subdivision is more than seven years old, and the lots do not conform to current zoning laws. Thayer stated the lots do comply. Hart stated the only reason why the hearing is being held was to be sure the roads meet present day laws.

Shaw stated they were faced with having approach roads and access roads that are pretty well established. Thayer asked what has changed in the requirements of the roads.

Hart stated the street are shown to be 40' wide and present rules say 50'.

Herr said he wondered whether the real concern was for the surface of the road rather than the width. That the Board can and has made exceptions.

Hart asked Thayer if he had a mortgage on the land. Thayer answered no.

Herr asked what form of security was on the subdivision.

Thayer answered there was a covenant. Herr examined it and said it was a standard one and was OK.

Herr asked if at one time there was a problem with water.

Thayer said at one time they did have trouble with a brook flowing through the land but it had been taken care of.

Herr suggested some sort of an agreement be drawn up and a new covenant signed. Shaw will be sent a copy of the old covenant.

Chapman asked if Thayer's property abuted the rear of St.

Blaise's parking lot, as there was quite a bit of water there.

Thayer said his property had about a 30 year growth of trees and brush.

Borowski stated he has never gotten one complain from Brookside Estates since he has been in office. As far as he was

concerned there was no problem in that area as far as leaching fields and drainage.

Shaw brought up making some sort of arrangements with a new covenant. Herr suggested a covenant could be drawn up much like the old one, making reference that they would conform to the rules and regulations of '72. Hart asked if they would have to bring in another set of plans. Herr answered no.

Ted Grant of 16 Brookside Road asked if there was going to be new drains to take off some of the spring rains. Hart said they would have to conform to all of our rules.

Chapman asked if the Board makes them put in 50' roads, would this eliminate some of the lots. Hart answered he didn't see where it would be feasible to put in 50' streets and as far as he was concerned one sidewalk was OK.

On a Rotatori-Hannigan motion, hearing was closed at 9:20 P.M.

24
JCH
1973
1/5

December 28, 1972

Page 4

Shaw asked the Board if they would like a new covenant on Brookside Estates. Board agreeded that a new covenant should be drawn up.

Mrs. Jean Bea, 10 Pearl Street told the Board she was representing her neighborhood, and asked if the Board would sponsor the rezoning to agricultural a piece of land now zoned Industrial consisting of approximately three acres off Farm Street. The parcel in question is completely closed in and a variance has been applied for an access road. Three acres would not accomodate much industry and there are about 55 children in the area. There would be heavy trucks using the access road which runs next to her property. Part of the existing industrial land is her back yard. The main concern is that industry would be in their back yard. Hart stated if the Board of Appeals approves the variance then the land would not be landlocked. Board looked at the land in question and it is surrounded on three sides by residential land. Herr suggested she petition for an article on the warrant to the Selectmen. The difficulty would be getting an accurate description of the parcel in question. Board of Selectmen will in turn notify the Planning Board to hold a public hearing. Mrs. Bea stated she had already planned to take that action.

Herr was asked to make up large street and zoning maps. The original maps were borrowed by Mayewski, who told Herr the Board gave their OK. Board said they were not contacted. Large maps will be made as soon as possible.

Herr pointed out that the Pearson land off Farm Street when it was rezoned had a two year limit and if no action occured with in that time, the Board would take action to have the zoning changed back. The two years was now up. Cortes said the present owner probably would not be opposed to it. Herr will study it further.

Helen Collamati and George Chapman of the Conservation Commission met with the Board and stated one of their goals was to look at wetlands zoning. A map outlining water shed areas and wetland is desired by their Commission. Borowski asked if it was possible for the Commission to come up with the areas they think are wetlands. All the Board of Health can do is take perk tests and go by the results. Herr asked what the difficulty is with the new wetland act. Mrs. Collamati stated the burden of proof is on the contractor. If there was an engineering study made showing wetlands it would be helpful. Herr said two of his clients was in fact thinking about deleting wetland zoning from their laws. Such zoning doesn't buy the town any more than what the wetland act gives. The real difficulty would be in defining wetland areas. The first step might be to ask the Soil Conservation to make an interperatation from their soil analysis that have already been made. This would give a pretty good indication of where the wetland areas are. They would be just blobs on a map and would be exceedingly difficult to define. He suggested they talk to the State Health man in

WJH
TH
DR

December 28, 1972

Action for his help. Once something definite is drawn up, the Board could decide if it should be backed as a proper amendment to zoning. It could define soil analysis and would be worth looking at.

Consultant Herr gave the Board a new Subdivision Plan Check list separating preliminary plan from the definite plan.

A discussion was held on what article to sponsor at the annual meeting. Board agreeded to try for rezoning Rte. 140 to Business district. The occupations of machine shop, woodworking and metals shop, clothes washing, beauty parlor and barber shop will be deleted from home occupations. Herr will draw up an amendment. An amendment putting the appointment of the Zoning Agent under the Planning Board was agreeded upon. Several small changes under mult-family will be put together and presented as one article. Public hearings to be held the end of January.

Temporary structures was discussed. Arcand stated he would like to see it eliminated. The Building Inspector should have the say. People shouldn't have to be made to get a special permit. Herr said it could be accomplished very easily by just taking Temporary Structures out of the definitions.

Arcand questioned Herr on a Non-conforming Uses/^{and} where the line is drawn if one variance is given, can another variance be granted. Can the Zoning Board give more than one variance? Herr answered that the Zoning Board can always grant a variance, but they might not be within their authority to grant it.

Arcand again stated he did not believe in open trenches. Hart stated he thought each case should be taken individually. Herr said in some cases open trenches can enhance a development.

Arcand asked Herr if a contractor was ever made to pay for street lights in a subdivision under rules and regulations. Herr answered that the town does not pay for them, that an annual rental on street lights is charged. Actual installation is not charged.

Heritage Pines was discussed. On a Cortes-Arcand motion, it was unanimously voted to recind approval on Norma Circle off South Main St. Herr will draw up an article to be sent to the Registry of Deeds, although at times they do not accept them.

Brookside Estates was discussed. Herr suggested the Board not recind approval if Thayer comes up with a covenant stating he will put in the streets according to present rules and regulations. Arcand asked Herr how long the subdivision can stay in effect. Herr answered as long as the Board decides to keep it in effect. The subdivision can be recinded at any time, or made to conform to future regulations.

Meeting adjourned at 11:50 P.M. on a Rotatori-Arcand motion.

APPROVED AS READ:

Respectfully submitted:

Wilfred Arcand
James Cortes
Samuel Hart

Sergio Rotatori

Sergio Rotatori, Clerk