

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

Regular Meeting of January 25, 1973

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. and dispensed with the regular ord of business.

Alva and Jacqueline Brown of Medway, owners of property on Hartford Ave. appeared before the Board to request a change in zoning from residential to industrial district the residential portion of a parcel of land that is zoned residential and Industrial. The zoning change is for the purpose of exercising property rights and general use of establishing lawful business or trade on industrially zoned land to which no other access is available on this parcel of land. The Browns showed a lay-out of the land they wanted rezoned. Brown stated the land to be rezoned does not abut any residential land except his own. Mrs. Brown stated all they wanted to do was to rezone their own land so they could get some use out of it. Consultant Herr pointed out the land was not landlocked but zoned locked, with the residential portion bordering Hartford Ave. It was the Board's job to look at the overall picture. If rezoned as proposed then the adjoining property of G. Kennedy would be land locked. Brown stated they were just touching all bases. They had gone to the Zoning Board but were denied and now they were before the Planning Board for hel. Their main purpose is to get into their own land. Brown stated they had been trying to buy the right of way of the N.Y.-New Haven & Hartford Railroad since 1965 to find another access to the industrial land. They had objected to the zoning when it was originally proposed with little success. They would like the Board to sponsor an article for the rezoning. Herr stated the Board would review it.

Francis Sneedden told the Board he would like to tear down an existing house on Box Pond Road and build another house of a modular type, and asked if it would be allowed. Hart stated if there is already an existing lot, there would be nothing to stop them. Necessary building permits would have to be obtained.

Building Inspector Borowski asked if ULD had a covenant for three houses on Shirley Road. Board stated there was not one.

Minutes of the January 11th meeting were unanimously approved as read on a Hannigan-Arcand motion.

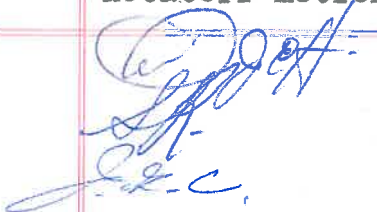
PUBLIC HEARING - REZONING RTE. 140 TO BUSINESS DISTRICT

Chairman Hart opened the public hearing on the proposal to rezone all Agricultural and Residential land from the Mendon town line to the Franklin Town Line on Rte. 140 to Business District. Secretary read the notice as it appeared in the papers.

Approximately 15 interested persons in attendance.

David Weller stated he owned part of the land to be rezoned on Mechanic Street and said he bought the land for agricultural purposes and had spent a considerable amount of money for renovation. He asked if his land could be deleted from the article. Consultant Herr pointed out that whatever he is now doing would be automatically permitted. There are already existing businesses that are there on a non conforming use. Hart stated there was no place in town for small business to move into. There has been one man who just moved out of town. The only purpose for the rezoning is to prevent this.

Attorney Paul Moriarity stated he represented Rose Russen and Thomas Clark and that both of them owned land in the a) section of the article. He stated he was here to find out if any circumstances had changed since the last town meeting when the same article was voted down. Hart stated it has been on the master plan for years to have the area rezoned. Moriarity stated he wanted to know why the Planning Board is submitting it again after it was turned down. Rotatori stated it was for the good of the whole town. Hannigan said a business man in town was denied additional mortgage money because he was working on a non conforming use. Last week the town lost a business because there was no place to expand. Mrs. William Hood stated the people in town are crying for business to help taxes. Moriarity stated his client owned a considerable portion of the land in section a) of the article and if that portion could be dropped, they would have no objection to the remainder of the article. Mrs. Russen stated that she was against the rezoning because she objected to having a junk yard in back of her. She asked what was to happen to her property if it was rezoned. Hannigan stated it would still stay as your home and would have no effect on her at all. Mrs. Russen stated she was already surrounded by junk yards and didn't want another one in back of her. Hannigan stated he knew the boundaries of her land, and didn't see where she was surrounded by any junk yards except in back of Richard's land. Lee Ambler pointed out that it was against the law to have a Class III permit along a state highway. There was no way that Hood or any one else in that area could be granted a permit along the state highway of 140. The people that are there now preexisted before the statutes were changed. Thomas Clark asked what was the difference between storage of cars and a junk yard. Ambler answered used cars is a Class II licence and junk yards a Class III. William Hood stated a Class III licence would be the storage of cars you would be stripping for parts. Moriarity asked what class licence does Hood have. Ambler stated a Class II. Public Hearing was adjourned at 8:45 P.M. on a Hannigan-Rotatori motion, unanimous.



PUBLIC HEARING - APPOINTMENT OF ZONING AGENT

Chairman Hart opened the public hearing on the proposal to have the Zoning Agent appointed by the Planning Board. Secretary read the notice as it appeared in the paper.

Hart asked if anyone wished to speak either for or against the article. No one appeared.

Hearing was closed at 8:46 P.M. on a Hannigan-Arcand motion, unanimous.

Mrs. Russen stated she would like to ask what the cars are in back of Hood's Garage. Hood answered the cars that are there are cars owned by residents of the town or by people who have had accidents and are waiting for their insurance company.

On an Arcand-Hannigan motion the following bills were approved for payment, unanimous:

Woonsocket Call - multi family article - \$57.46

" - Zoning agent - \$9.18

" - Rezoning 140 - \$19.04

" - Home Occupations - \$19.38

Milford Daily News - multi-family article - \$85.10

" - Zoning Agent - \$11.10

" - Rte. 140 rezoning - \$25.90

" - Home Occupations - \$25.90

Jean Brewer, Post Cards and stamps - \$6.80

Mass. Federation of Planning Boards - 60.00 1973 dues and 6 months 1974

PUBLIC HEARING - HOME OCCUPATIONS DELETION

Chairman Hart opened the public hearing on the deletion of certain home occupations permitted under Section 3120 at 9:00P.M. Secretary read the notice as it appeared in the papers.

Hart asked for comments. Joseph Menendez stated he was against the article and asked what prompted the Board to change it.

He thought it was discriminating. He stated it would have no effect on him, but there are a lot of fellows who would like to start a business of machine shop. Why would a machine shop take away from the home? Why should you be able to say certain home occupations are OK but others are not allowed. Arcand asked is he objected because we take out some home occupations and leave others in. Menendez answered yes. Hart stated the people who live next door should be protected. There is a hardship on the man in business who is renting his place of business and the man who sets up in his home.

Public Hearing adjourned at 9:10 on a Hannigan-Cortes motion.

PUBLIC HEARING - MULTI-FAMILY AMENDMENT

Chairman Hart called the Public Hearing on the proposal to amend the multi-family sections at 9:15 P.M. Secretary read the notice as it appeared in the papers.

Hart asked if there was any one speaking for or against the article. No one was interested.

Public hearing adjourned at 9:16 P.M. on a Hannigan-Arcand motion, unanimous.

Handwritten signatures:
J.E.H.
J.E.C.

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Board reviewed Temporary Structures amendment as drawn up by Philip Herr. Arcand stated he liked the idea that it would be deleted from the definitions. Under the amendment the distinction between temporary and permanent structures would be eliminated. Herr stated the way the zoning is now, it doesn't make any sense. The amendment would thus treat all structures the same whether temporary or not. They would all still have to follow the by-laws. Hart stated he did not see the need for it.

Herr discussed the recinding of Heritage Pines and the proper procedure to follow. Hart will check with Town Counsel Ambler to obtain his opinion to see if the form is right.

Arcand brought up the fact that John Kaitz of Bald Hill Estates was supposed to show proof of mortgage and to date has not done so. Hart suggested waiting until the next meeting before taking action.

Public hearing were discussed.

On a Hannigan-Rotatori motion the Board voted to approve the rezoning of Rte 140 to Business, Hart and Cortes voting for with Arcand abstaining.

On a Hannigan-Rotatori motion the Board voted to approve the appointment of a Zoning Agent by the Planning Board, unanimous.

On a Hannigan-Cortes motion, the Board voted to approve the deletion of machine, woodworking and metals shops, clothes washing, beauty parlor and barber shop from Home Occupations permitted, unanimous.

On a Hannigan-Rotatori motion the multi-family proposal was unanimously approved.

Arcand told the Board the Conservation Committee had drawn up a wetlands map and intended to ask the Planning Board to co-sponsor it. He felt they should sponsor it. Hart stated the Board would look it over and if it was a good one, the Board would co-sponsor it. If it was not worthwhile they wouldn't. Herr stated the trouble with most wetlands maps is that they are too vague. Arcand said the plan he saw didn't have the footage.

On a Rotatori-Hannigan motion the meeting adjourned at 10:20 P.M., unanimous.

APPROVED AS READ:

Respectfully submitted:

Sergio Rotatori
Clerk

W. Herr
Sergio Rotatori
James E. Cortes
James E. Hart