

BELLINGHAM PLANNING BOARD  
TOWN HALL  
BELLINGHAM, MASSACHUSETTS

Regular Meeting of February 26, 1976

Members Present: James A. McElroy  
Sergio Rotatori  
James E. Haet  
John P. Murray  
Glen S. Whitten

Board welcomed John P. Murray as newly elected Board member. Board was reorganized. On a Whitten-Rotatori motion, James McElroy was unanimously appointed to serve as Chairman. On a Whitten-McElroy motion, Sergio Rotatori was unanimously appointed to serve as Vice-Chairman, Clerk. On a Hart-McElroy motion, Jean Brewer was unanimously appointed to serve as Secretary.

Consultant Philip Herr and Marilyn Gallant reviewed the final plans for Kingsley Woods. Board agreeded 8 1/2 X 11 prints were to be waived. Herr stated all changes had been made as requested on the plans. Rotatori questioned Greg Burrill on the water arrangements. Burrill stated he would be bringing in 8" mains right up to the end of his property line tying into R. Belanger Drive at the other end of Hixon St. Rotatori questioned what would happen if there was a break in the mains on Belanger Drive. Burrill agreeded his water would also be effected. Board reviewed the covenant. McElroy suggested the wording on the first part of the covenant be made cleaner. Burrill agreeded he would be able to receive building permits on Lots 1, 2, 11, 12, 13, 14 and 15 on Hixon Street but no occupancy permits will be issued until work has been completed on Hixon Street satisfactory. Letter dated December 11, 1975 to the Board by Burrill will be made a part of the covenant and will be attached to the original covenant for filing. Herr will make changes on the covenant and return it to the Board. On a Rotatori-Whitten motion, the Board voted to approve the subdivision plans of Kingsley Woods with all the stipulations already made and agreeded upon, McElroy and Hart voting for with Murray abstaining.

Lee Gentile presented a plan of Lot 1 and Lot 2 located on Farm Street 1600' from Granit Street. Hart asked if there were any high tention wires going through the property. Gentile answered no. Herr questioned who owned the triangular piece of land next to Lot 1. Gentile stated it belonged to him. Herr pointed out if Board signed plan as presented they would be creating three lots one undersized. Gentile and Board agreeded small lot next to Lot 1 would be designated as Not a building lot. On a Hart-Rotatori motion Board approved plan of Lee Gentile, Approval Not Required, Whitten and McElroy voting for with Murray abstaining.

Town Moderator Larry Cibley informed the Board there would be

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a meeting on all Town Meeting articles at the Town Hall on March 17, 1976.

Mr. Harry Blackey of the Merchants National Bank of Worcester representing Center Park Estates, told the Board the original subdivider went bankrupt before he completed the roads and before he completed the housing. The bank now owns the lots through foreclosure and an auction. Some of the lots have houses on them, some of the lots have Board of Health permits and some do not. There was also a Cease and Desist order on some lots put on by the Conservation Commission. He had been in touch with the Conservation Commission and they suggested he speak with the Planning Board about the roads. The bank would like to sell buildable lots, assuming the health permits are valid. They would like permission to build on those lots that the Board of Health and Conservation Commission agree are buildable lots. He would like to get the necessary building permits. Hart asked if they just wanted to build houses and not do anything with the road. Blackey stated he could not do anything with the road since he did not own it. He was before the Board because the Building Inspector indicated he would not issue any building permits. Borowski stated Town Counsel Ambler had advised him not to issue any more building permits until the bond issue was settled. Blackey stated it was his understanding that there was a bond outstanding on the road and that the Town was the only one who is in a position to pull the bond. There is a bond to complete the road. McElroy told Blackey at this time any action on the bond is in the hands of Town Counsel. Hart told Blackey he was not going to build on any lot unless the road is there. Rotatori added the Town wants all the sidewalks and drains also. Borowski stated right now there are two bad holes on the road and he mentioned it to the Highway Dept. and they told him they could not go on the road. Blackey stated the Board then would not let anyone build on the lots. He did not know how to react on it. Herr stated the Bank could cut their losses and build the road. Hart stated since the bank bought all the remaining lots, they should build the road. Blackey stated the only people who can build the road is the town. McElroy told Blackey he felt the bank would just have to wait until the bond issue was resolved. Blackey stated some of the lots have been built upon. Borowski stated he had issued permits before Ambler talked with him. Right now he is not to issue any permits. Blackey asked the Board if there wasn't anything the Bank could do to push the thing along. Herr suggested that maybe the bank would like to contribute to the legal services in getting the bond. He guessed the hold up was because of the legal complexities involved. Blackey asked what happens if the town cannot get the money from the bond. McElroy stated he did not know, he could not give an answer at this time. Town Counsel will be contacted about the bond. Any action on the bond and Blackey will be informed.

Herr told the Board he had talked to Mr. Blake at Weston and

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JH



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Sampson before writing the answer on the impact of sewerage. Blake had conceded the points made were true.

Herr gave the Board a draft on Community Facilities, stating it did not contain solutions. He suggested the Board look it over, and once it is OK to have it sent out to the various departments involved.

McElroy told the Board he had talked to Marilyn Gallant during the week about two businesses on one lot. Right now there is no restricts. He felt people living in an apartment house should be allowed to live there and not have a used car lot next to them. It is legal at this time to have two business. Hart stated if it were undersized there would be no problems. If restrictions were put on having more than one business on a lot you could run into places like the center. Herr questioned if it were really a case of having a resident and a business on the same lot. Do you really want to restrict two non-residential business on the same lot. Murray stated he runs a used car lot next to his father's house. What would happen if he wanted to put in an apartment. Does a tenant have any rights. If they don't like it they can always move. Instead of making a flat law there are some considerations that have to be taken into account. Hart suggested getting rid of Home Occupations first if the Board were worried about the safety of kids. He felt a house should be a house and a business should be a business. Murray stated some successful people start their business in their home. Hart said some people who are in a home occupation situation are under less restraints than some business that are in a business zone. Murray stated he was against putting in any restrictions on a fellow who owns land. There are already too many things he can or cannot do. McElroy stated he was against creating a new business were there is already an apartment house. He told Murray any new amendments would not apply to a business that was already there. Rotatori stated he was not crazy about putting in a car lot where there is already people living there in apartments. Hart stated the Board should remember they are not only talking about used car lots. What they were saying is that they are restricting a guy in a business zone and not one in a residential zone. McElroy stated we are talking about protecting a person who is renting a place. Why should a man who is not living on a lot get two uses out of his property. Herr stated he could not believe there is a major issue here. The selectmen do not have to grant a used car license. It can be controled with a license. In other cases he could not see why the owners would want to damage his own rental property by bringing in an unwanted business. He felt it might be appropriate to comment on this particular case, but perhaps it would be of no real use to draw up an amendment. Rotatori stated he felt it should be left up to the Selectmen.

Herr reported on the new zoning enabling act. Another bill had been submitted and had been reported favorably out of committee, but something was wrong with it and it was sent back. McElroy

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stated until they could get something definitive about the new bill, he felt the Board should not make any changes in the by-law.

Letter was received from the Water Department asking the Board to consider an inclusion in the subdivisions rules to accept streets as soon as the water is turned on. McElroy pointed out the streets are accepted at a town meeting and not by the Planning Board. Herr stated the Water Dept. was raising the issue that a subdivider can hold up another developer wanting to tie in with his system. He suggested having something in the rules which would oblige the developer to allow tie ins with the water and also drainage systems. Board agreeded Herr should draw up an amendment.

On a Hart-Murray motion the following bills were unanimously approved for payment:

Registry of Deeds.....	\$5.00
Telephone bills .....	\$7.66

Meeting adjourned at 10:45 P.M.

APPROVED AS READ:

Respectfully submitted:

Sergio Rotatori, Clerk

*James McElroy*  
*Sergio Rotatori*  
*James C. Hart*  
*John B. Blaney*