

BELLINGHAM PLANNING BOARD
UPPER TOWN HALL
BELLINGHAM, MASSACHUSETTS

Regular meeting of March 11, 1976

Members Present: James A. McElroy, Chairman
Sergio Rotatori, Vice Chairman, Clerk
James E. Hart
John P. Murray
Glen S. Whitten

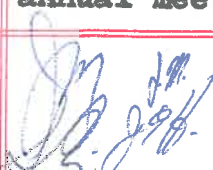
Chairman McElroy opened the meeting at 8:00 P.M. and dispensed with the regular order of business.

Letter was received from Town Counsel Ambler on Article 16, Environmental Controls. Ambler suggests eliminating the last sentence with regard to the granting of a Special Permit by the Board of Appeals and adding the following "Interferences originating in business or industrial districts shall not be normally perceptible more than one hundred feet within a residential district." Hart pointed out there were a lot of industrial districts bounded by residential districts. It was probably an oversight by Herr when the new article was made up. On a Hart-Rotatori motion the Board voted unanimously to add the above sentence to the article on the town floor. Board discussed leaving off the last sentence with regard to the Special Permit. McElroy told the Board Ambler's argument was that there was no situation set forth in which the Zoning Board could give a special permit. There is a question the whole article could be refused by the Attorney General. Hart stated he felt they should either delete the last sentence or discuss it further with Herr at the next meeting. McElroy pointed out eliminating the last sentence would not mean a petitioner would not have the right to go for a variance. On a Hart-Whitten motion the board voted unanimously to delete the last sentence and discuss it with Herr at the next meeting.

Minutes of the February 12, 1976 meeting were unanimously approved as read on a Hart-Rotatori motion.

Murray told the Board he had talked to some Finance Committee members regarding the sewerage issue and would like to see a copy of the letter sent to Weston and Sampson by the Board given to the Finance Committee. Board agreed. Hart stated at the public hearing the Sewerage Commissioners were asked if any Boards in Town had any comments. Poitras did not mention the Planning Board letter. Letter will be made available to the newspapers.

Community Facilities report was discussed. McElroy stated if it was the feeling of the Board they should make it public. Several items dealt with in the report were on articles at the annual meeting. Murray questioned if the report wasn't bias



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since the people interviewed for the report were directly concerned with the various problems. He had read the report and did not agree with certain parts of it.

PUBLIC HEARING - Rezoning 8 parcels, Environmental Controls and Motor Vehicle Stations

Chairman McElroy called the public hearing to order at 8:30 P.M., stating it was a rehearing caused by the new Chapter 40-A.

Secretary read the notice as it appeared in the papers. Four interested people in attendance.

James Brennan asked what the intentions of the Board were in the rezoning of agricultural land to residential. Hart stated all of the proposed areas were already built up, but they are under agricultural requirements. The Board would like to put them under residential zoning where they belong. The main reason is to prevent some people from bringing in cows, pigs and other animals in a highly residential area. McElroy also pointed out it was unfair to people living in an agricultural zone but were really living in a residentially used area. They have to seek variances for side or rear lot line requirements which they might not have to do if they were in a properly zoned residential area. Brennan questioned how this would affect kids in the 4H program. McElroy stated he felt this would not affect them. Under residentially zoned districts you are allowed three animals. Brennan stated for a stable you would have to get a special permit. Hart told Brennan there was a case on Rose Avenue where a man brought in some pigs just to spite his neighbors. McElroy pointed out a case where a man had several hundred rabbits. Brennan told the Board he had the feeling that this was what the Board wanted to do, give people living in an agricultural zone already built-up the same advantages as those already living in an residential zone. Murray questioned why the Finance Committee did not recommend the article. McElroy told him some of the members felt there was some land available in the Pine Street and Lake Street area that was open for houses. We have to watch out for the general good of the Town. All of these areas have been requested by residents to be rezoned. It is up to them to vote for it. Murray said he would like to see the residential land changed to 40,000 sq. ft. Hart stated they did not have any more residential land in town that is not already developed, all the vacant land is in agriculturally zoned districts. Paul Barry, Hartford Ave. asked if they were going to rezone without notifying the people whose land was involved. McElroy stated they have been notified by the ad in the papers and the Board does not make the change, that is done at the town meeting. Hart told Barry all they were changing were heavily housed areas. There are no large developers who own all of the land. Most are individual small lot owners.

No further questions were asked.

On a Hart-Rotatori motion hearing was closed at 8:40 P.M. unan.

Brennan told the Board he would like to discuss the changes brought about by the new 40A. McElroy told him at the present

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time the Board is not going to take any formal action. Board is trying to follow both old and new rules. In his opinion he would like to see the changes made right now. Brennan told the Board there were some points that he felt were very vague. They don't have a provision for a Zoning Administrator, but could appoint one with the approval of the Selectmen. Applicants now must go before the Town Clerk first where before they came directly to the Zoning Board. It creates a hassel to the applicant and it would also create a time factor. McElroy suggested perhaps they should talk to the Town Counsel.


The Community Facilities Report by Herr & Associates was discussed. McElroy suggested it be passed along to the Selectmen, since they were the ones that requested it. Murray stated there are a lot of things that have to be discussed in the report, and that he was not totally in agreement with it. Arcand stated he was totally opposed to the addition to the Town Hall. Murray stated the Finance Committee people felt there was room in the Center School. Arcand stated there were now five room downstairs with one room occupied by the Town Accountant. There are a lot of Boards that meet at night and the problem there was that they all wanted to meet on the same night. They will just have to change. McElroy said the only activity of the Board was to get the report done and then to pass it along to the Board of Selectmen. We don't have to recommend anything. Report will be sent to the Selectmen with a covering letter stating it was not intended to be a recommendation of the Board, but strictly a carrying out of a task requested.

Murray told the Board he would be unable to attend the next meeting since he had to attend a dinner in his capacity as a member of the Insurance Commission. He regreted the conflict. McElroy stated situations come up at times when members cannot make the meetings.

Bill to Post Office for roll of 13¢ stamps was approved on a Hart-Rotatori motion, unanimous.

Board reviewed the covenant revised by Herr & Associates on Kingsley Woods. McElroy stated he felt it was the Board's intention not to issue any building permits in the back lots until after Hixon Street had been completed. Covenant will be sent back to Herr to make this clearer.

Goulston & Storrs requested release of covenant on Oak Woods Apartments. Hart suggested Herr be asked to look into it. There is still a lot of room left to build, if the covenant were to be released they might be able to build on the rest of the land. Murray asked if the Board could come up with an article rescinding multi-family zoning there. McElroy stated they do have a permit for multi-family units. We can rezone the land on So. Main St. because they haven't received any permits yet. There is no way they can be restricted once they have the permit. Covenant will be sent to Herr for his review.



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Minutes of the February 26th meeting were approved as read on a Whitten-Murray motion, unanimous.

Meeting adjourned at 10:25 P.M. on a Whitten-Rotatori motion.

APPROVED AS READ:

Respectfully submitted,

Sergio Rotatori, Clerk

James Maskey
Sergio Rotatori
John P. Murray
James C. Hart