

BELLINGHAM PLANNING BOARD
UPPER TOWN HALL
BELLINGHAM, MASSACHUSETTS

Regular Meeting of March 25, 1976


Members Present: James A. McElroy, Chairman
Sergio Rotatori, Vice Chairman, Clerk
Glen S. Whitten

Chairman McElroy called the meeting to order at 8:00 P.M.

Roger Belanger and Walter Morse of Whispering Pines gave the Board a bond for \$6,500 for Lots 33-44 inclusive on Morse Road and asked the Board to exchange it for the bond in the amount of \$6,800 originally given. Bond was originally to be for \$6500, but was made out to read \$6,800 by the insurance company. Bonds were exchanged.

Lou Guerriere and Greg Burrill of Kingsley Woods Estates asked final approval of the subdivision. No appeal had been made with the Town Clerk since filing of the plan. Consultant Philip B. Herr reviewed the covenant with Burrill, pointing out no occupancy permits will be issued on lots fronting on Hixon St. and no building permits on the back lots are to be issued until Hixon Street improvements have been made. Burrill stated it was the way he had understood it when last discussed with the Board and acceptable to him. On a Rotatori-Whitten motion, the Board voted unanimously to approve the subdivision of Kingsley Woods.

Thomas Clark representing Medway C & L Realty Trust, 343 Cape Road, Medway, presented the Board with an industrial preliminary plan of twelve lots on the northeasterly side of Depot Street. Area zoned industrial. Front lots are already subdivided with most of the lots in the back and are well under an acre. Drainage is worked out to come out to the Charles River. Clark told the Board someone had already suggested making an open ditch going into Box Pond. Herr asked Clark what he intended doing with the land. Clark stated he was going to put up industrial buildings under industrial uses. When asked by Herr if he had any clients, Clark replied we possibly have some clients. Herr told Clark he was curious since he didn't have any firm commitments that he was willing to put in a road like the one shown. Clark stated he felt the trend right now is for smaller buildings and smaller businesses. Right now he wanted to find out if the road, etc. was going to be acceptable to the Board. McElroy told Clark the Board usually takes the preliminary plan and looks it over and then makes suggestions. Clark told the Board they have already taken five test holes and the land is all very good. None of the drainage will go down to Depot Street. Board told Clark they do not want open drainage, but it could make a considerable difference where this is to be industrial zoned. Form B dated March 25, 1976 was submitted. Herr will review the plan and send back his review before the next Board meeting.



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Plan of Gerald Marchand containing 2.6 acres of land on the easterly side of Lake Street was shown. Lot A & C to be one parcel and Lot B & D to become one parcel. On a Rotator-Whitten motion, Board voted unanimously to approve the plan, Approval Not Required.

Mr. Savage told the Board he had purchased Lot 6 at the end of Rose Ave. on the Depot St. side. He wanted to build and had been referred to the Board by Henry Borowski. Lot is not fronted by an existing road. Board told Savage it was their responsibility to make sure the road is either built or a bond posted. Herr suggested Savage would run into trouble trying to get money to build anything when the bank runs a title check on it. He suggested Savage go to the Registry and get a record, Covenant was found in the file but no releases. There was no evidence of a bond. Subdivision was made in 1958. McElroy told Savage the Board could make him go all the way with the road or just to a certain point with the road. If there has never been a release on the lot, he is going to have to get one from the Board. Herr suggested if the road is not going to service any other lot other than his, it would be a dead road. It might meet the requirements for a variance on the frontage from the Zoning Board. McElroy suggested Savage look at what is going to be more costly to him, a lot with no frontage or building a road. Savage will look into the records of the lot and get back to the Board.

Lou Guerriere presented a plan located on No. Main St and High St. of the old Sawyers land recently purchased by Michael Iacovelli of Milford containing approx. 5 acres in all. He would like to separate it into Lot 1 and 2 with a right of-way. Herr pointed out if that was done he would be land-locking the back parcel, creating a non-buildable lot. Problem could be solved by making a notation on the plan that it is not a buildable lot. Herr pointed out they were creating a monster of a plan, with a commercial lot on a corner of a main street, plus a steep hill on High St to contend with. Guerriere told the Board they were trying to get the most out of the land with two lots and three acres left, with a right of way. He pointed out the back right of way is an old subdivision and has very poor access. Guerriere told the Board he would be willing to make the notation that the back lot was not to be a buildable lot. On a Whitten-Rotator motion the Board voted unanimously to sign the plan.

Board discussed the rezoning article coming up at the annual. Herr suggested the Board might want to hold off the two parcels on Pilgrim Village and Lake St. until the Board considers the Lake Hiawathia area. McElroy suggested going for the whole article. Someone will bring it up and then they can break it down if they want. If the people want to go for the whole thing they can come and vote for it. Board agreeded to leave the article as presented.

~~The Following bills were unanimously approved for payment on a~~



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Rotatori-Whitten motion:

Milford Locksmith - keys and lock\$14.99

Jean Brewer travel to registry and return..... \$7.56

Town Counsel's letter on the Environmental Controls article was discussed with Herr. McElroy told Herr the Board had voted to follow his suggestions adding one sentence and deleting the sentence giving Board of Appeals power. Ambler felt the Board hasn't given them the standards to give a variance. Herr felt is is a good idea to have more specific standards.

Letter was received from Board of Appeals asking for the Board's definition on Accessory to residential use and accessory to non-residential use. McElroy told Herr the Appeals Board have to consider a variance for a resident of the Pilgrim Village area who want to be able to park his truck at home while having lunch or taking a shower, etc. Residents of the area are complaining. Zoning Board had asked McElroy for his definition and are not requesting it in writing. Zoning would only pertain to parking on his lot and has nothing to do with parking on the street. McElroy will make up an answer.

Herr told the Board they had received a visit from the Office of State Planning who was interred in Bellingham's sewerage system. Marilyn Gallant stated she felt they wanted their opinion on the whole sewerage matter. McElroy told the Board the Finance Committee had been in contact with them also.

McElroy told Herr they had forwarded the Community Facilities Report to the Selectmen with a covering letter stating the Board was not endorsing it but merely fulfilling a request. The report was slanted to the view of the people that gave the information. Herr felt it was his ^{opinion} since they should wait a while and then ask for comments. If then the Board of Selectmen want to, we will send out copies to the various departments.

Release of Covenant on Oak Woods was discussed with Herr. McElroy stated in his opinion they did not have to go back before the Zoning Board for another Special Permit to build additional units. Herr stated he felt if the Board were to endorse the release they would be releasing the land and not just the 90 units. Release could be made to read "with respect to those dwelling units shown on the Site Plan-1 (dated February 15, 1974) and Site Plan-2 (dated February 20, 1974) McElroy felt the Board might be able to get a release on the Special Permit in exchange for the release of the covenant. Herr suggested the Board send Commonwealth Development a letter telling them the Board felt they could not release the covenant at this time, because the Board feels the covenant covers the whole parcel of land. The Board would only release the covenant once the special permit rights were given up, or once all the building is done. There was no time limit on the special permit. It was Herr's opinion they were going to sell the rest of the parcel to someone else. All the rights of the Special Permit would go with the land.

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The Board might be able to get a letter from them stating they had no further intention of using the special permit any further. Herr felt Commonwealth Development was super cautious and made certain everything he did was good and clean. Letter will be sent to Commonwealth Development.

McElroy asked Herr what opposition they would be up against if the Board would go for larger lots. How much of a challenge would the Attorney General give them. Herr replied as long as they didn't go as much as three acres, the Attorney General is not going to challenge it. The snob zoning act is only a paper thing as the state hasn't given them any money.

APPROVED AS READ:

Respectfully submitted,

Sergio Rotatori, Clerk

Sergio Rotatori
James McElroy