

BELLINGHAM PLANNING BOARD  
UPPER TOWN HALL  
BELLINGHAM, MASSACHUSETTS

Regular Meeting of January 27, 1977

Members Present: James A. McElroy, Chairman  
Sergio Rotatori, Vice Chairman  
Gerald Brisson  
James E. Hart  
John P. Murray


Engineer John Halnon told the Board he would be resubmitting the plan of Dodd which would reflect the Zoning Board of Appeals decision of a variance dated January 21, 1977.

Halnon presented a plan of seven lots located on Blackstone and on North Street. Property owned by Roger J. Cournoyer, 51 Wrentham Road. Approval Not Required plan was unanimously approved on a Hart-Brisson motion.

Eugene Tiello, Jr. of Blackstone told the Board he was the operator of the Citgo Gas Station on the corner of Lake and Pulaski Blvd. There is approximately one acre of land and they would like to do minor repairs and wrecks. Area is zoned agricultural. He has spoken to the neighbors and they have indicated no opposition to his proposal. He would like to have the area rezoned to allow him to do wrecks. McElroy pointed out across the street is already zoned business and this might make it easier to get the rezoning. Tiello was advised to get his presentation together for his request for rezoning, get a plot plan along with any information that might be helpful.

McElroy spoke to Herr about the article they had drawn up on a moratorium. McElroy stated he like the article itself but did not like the accompanying one calling for \$30,000 for a study. He felt the studies being done by the school and the sewerage would be sufficient. Herr stated a study is usually the classic way of justifying a moratorium. McElroy stated he was looking for a cheaper way of doing it. Herr stated you could base it on until both a new school or a new sewerage system are built. McElroy stated it could be until a new school has been approved by a town meeting action. Herr said the chances are that you could be beaten in court if you did that. If you don't set a definite time limit you will be taken to court. Most towns put two years on it and get away with it because it takes two years to fight it in court. McElroy said he would like to pin it all on the school problem itself, and suggested basing it until additional school facilities are approved or two years whatever comes first. Herr will look into it.

Henry Roy, Attorney Joseph Kennedy and John Parmentier spoke with the Board regarding Belle-View Manor subdivision. Herr's letter to the Board regarding the subdivision was reviewed, and Kennedy assured the Board they will follow the Board's Rules and Regulations precisely. Both Items A and B will be complied with. On Item C regarding the 19 lots proposed, Kennedy told the Board Roy shouldn't be turned down on it just because he doesn't want to make the road bigger. It would be very simple to comply with the rules by breaking the road off and adding houses on the end. This was won in a case of the Planning Board in the Town of Westboro in 1974 in the



Supreme Court. Their regulations are very similar to yours. McElroy told them he had talked it over with the other Board members before and they all feel that our Rules and Regulations are quite clear on how many houses are allowed on a deadend street. In order to gain a waiver from us, it is our proposal to allow you to build on twelve lots only in the first five years. Kennedy told the Board Roy wouldn't be interested in building more than three houses in a year. He didn't know if what the Board wanted to accomplish could be done under the subdivision rules and regulations. McElroy felt it could be done under a covenant binding on all his heirs, etc. Herr told Kennedy it was hard for him to believe that you couldn't do it. Kennedy stated at some point in time you would have to have a release. Herr stated the developer could come in for release of all of the first twelve lots at any time, he just couldn't get release on more than 12 lots. Kennedy asked for more time to think about it, and stated he didn't think such an agreement would be worth the paper it is written on. Even if it did work it would crumb up Roy's title on the land. Herr stated the Board was not concerned with the horizontal or vertical alignment of the road, the road is not the central issue it is the number of houses built in the first five years. Kennedy stated a property right is a very precious thing. He had never heard of any such proposal before. It was pointed out the Board would have to make some sort of a decision on the Preliminary Plan because the sixty days will run out before the next Board meeting. Herr stated the limitation should be cleared, will it be on building permits, lot releases, or occupancy permits. Kennedy asked in the event they should be able to come up with some sort of an arrangement, he would want to be able to alienate the remaining seven lots left. Herr stated the covenant could be related to release of not more than 12 building permits and not necessarily to the sale of lots. On a Rotatori-Murray motion the Board unanimously voted to give conditional approval to the Preliminary Plan of Belle-View Manor subject to the condition that a mutually agreeable arrangement can be reached between the Board and the Developer regarding the restriction on the issuance of building permits to no more than twelve (12) the first five years. The covenant would permit the Developer to alienate or remove the remaining seven lots regarding sale of the lots.

A date of February 24th at 8:30 P.M. was set to hold public hearings on the articles being proposed for the annual town meeting. Date was later changed to March 24th at 8:30 P.M. Marilyn Gallant pointed out the large rezoning article should come up before the multi-family zoning changes. Secretary will check to see in what order the article are placed on the warrant. Board will bring forth the large article if it is not already ahead of the two multi family articles. Notices of the hearing will be sent to the various boards that were in attendance at the first meeting.

Norman Langlais discussed the moritorium article with the Board. He felt it would not be completely out of order for the Planning Board to have their own study conducted. They are now relying on another department's opinion. He would feel better about the moritorium if there were some type of planning to go along with it. McElroy stated all he was attempting to do was to buy time, and felt the School Committee's recommendation would be OK. Hart felt the Board could be penny wise and pound foolish in this matter.

Herr told the Board he had an issue with the question of controlling animals through the new zoning. He told the Board he had spent considerable time developing the wording to what the Dog Officer wanted done. Herr told the Board he did not feel that zoning was the right way to do it. What the Dog Officer wanted should be done under the Board of Health regulations or through the Town By-Laws. They had found some Board of Health regulations that were very detailed, but when they looked at them closely found they were not sound. They had not been able to find anything else, so had to do what they did through zoning.

McElroy asked Herr if he was working to be sure that Bellingham was going to be able to comply with the new zoning laws by the right time. Herr reassured the Board everything would be ready for next year's town meeting. The new articles being written are in compliance with the new laws that will become effective in 1978.

Meeting was adjourned at 10:18 P.M. on a Hart-Rotatori motion.

APPROVED AS READ:

Respectfully submitted,

Sergio Rotatori

