

BELLINGHAM PLANNING BOARD
UPPER TOWN HALL
BELLINGHAM, MASSACHUSETTS

Regular meeting of April 28, 1977

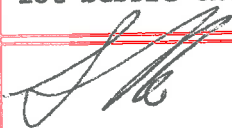
Members Present: John P. Murray, Chairman
Sergio Rotatori, Vice Chairman, Clerk
Gerald R. Brisson
James E. Hart
James A. McElroy

Chairman Murray opened the meeting at 8:00 P.M.

Paul and Kathleen Niemczyk, 43 Indian Run Road told the board they owned their own home at No. 43 and bought the adjoining piece of land in October with the intention of building a bigger home on the lot and selling their current home. Their home is on a lot 50' X 125' and the two lots combined are 150 X 125. They did get a lawyer when buying the second lot but the question of what they were going to do with it never came up. The building inspector now is telling them that they cannot build a second home on the land. Hart told them they would now have to get a variance from the Zoning Board or they might consider enlarging their present home. McElroy stated when you buy an adjoining piece of land you have to conform to present day zoning. Area is zoned agricultural. Murray also told them they could not now sell the second piece of land to someone else. It is now considered one piece of land. McElroy told them they would have to go before the Zoning Board and plead for a hardship case. This would be difficult to do since it has to be a hardship on the land and not for the owners. He advised them to seek the advice of a lawyer before they proceeded.

Engineer John Halnon told the Board he was representing the owner of Happy Hills an old subdivision off Cedar Hill Road. Plan was approved originally in 1957. There are three lots that have not been built on which have their frontage on an unbuilt road, Sharpe Drive. The owner has been paying taxes on three lots since 1957. Halnon was trying to find out what the Board wanted them to do in order to make two buildable lots. He asked if the Board would go along with two long driveways. McElroy stated for one he would not go along with it. They have an example of that kind of a set-up on Taunton Street and it is very confusing. The three lots as shown on the plan are 16,200, 16,008 and 22,000. Marilyn Gallant of Herr & Associates pointed out since it is more than seven years old they would have to conform to present requirements of 20,000 sq. ft. Hart agreed with McElroy and stated he felt it would be better to have them put in a little road. Halnon asked if they would go along with a turn around. Board agreed. Halnon will submit a revised plan of the subdivision and since it is part of an approved subdivision no public hearing would have to be held.

Attorney Lee G. Ambler requested a release of Lot #3 on a plan drawn by Bowie Engineering Company dated July 13, 1961. Street name was not given, Secretary will contact Attorney Ambler to get further information on the lot before the Board signs the release.

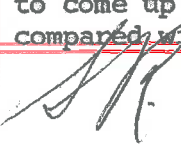


Board discussed the proposed amendment on the effective date of a zoning amendment with Marilyn. McElroy stated he did not like the first article proposed which would delete Section 1700, Effective Date in its entirety. Marilyn pointed out the effective date of an amendment is determined by state law. The first proposal just doesn't spell out the date. The second proposed article spells it out as being the date on which such amendment was voted upon by a town meeting. On a McElroy-Brisson motion, the Board voted unanimously to go along with the second article. Secretary will place article in the files to hold a public hearing on it when enough articles have accumulated.

Board discussed A Planning Program with Marilyn on the Bellingham Master Plan. McElroy pointed out the Board had discussed this with Herr at the meeting of March 24th but didn't really want to go into it until after the town meeting articles were over. McElroy pointed out the proposal was nothing more than an inventory or a survey. Hart stated he felt the Board should look into it more. It looks like a lot of money but it might save the Town some money in the long run. McElroy pointed out the Board goes through the master plan whenever they put in new amendments. Hart stated the original master plan was made in 1962 and now might be the time to sit back and take a real good look at it as a whole package. He felt the Board should talk about it more. Murray said he was not even aware the Town had a master plan until about a month ago. Marilyn pointed out the only thing covered in their contract with the town was about the technical backup. Murray asked if they had done this type of a study with any other towns before. Marilyn stated they had done a complete study in the town of Sunderland and as a result they have adopted a whole new zoning by-law. They had done the same thing in Franklin and they have also made some drastic changes in their laws. McElroy said he did not know what type of town agency you could get together. When he was on the Local Policy Growth Committee he couldn't even get the members to come to the meetings. Hart said he was in favor of taking another look at the entire master plan. It might be a good idea to get a look at what other towns are doing. Marilyn suggested the Board might want to get some ideas on the subject from other town boards. Both Hart and McElroy agreed they did not want to do this. They wanted to look into the matter themselves first. Board will look into it further and discuss it at the next meeting with Herr.

Murray told the Board the Conservation Commission is holding public hearings on open space in Bellingham and told the Board he felt it would be a good thing to attend as a board. Meeting will be held on the 1st and 3rd Thursdays of the month in the Town Hall. McElroy said he had to work on those evenings so would be unable to attend any meetings. McElroy asked Marilyn if she thought the Conservation Commission knew what was involved. They are trying to get money and the state wants a complete inventory, acreage involved and what it is good for. Marilyn told the board they do have formats that they could give to them.

McElroy discussed the new Chapter 808 with Marilyn, and asked what the real effective date was. Right now the date is probably June, 1978. It will have to go before the town meeting next year. McElroy asked Marilyn to come up with a proposal on where we stand with our present laws as compared with the new 808. Marilyn stated the Board has been complying



April 28, 1977

Page -3-

with the new regulations as they are being proposed. Marilyn stated under the new regulations the fine for violations could be inceased to \$100.00 per day. The Building Inspector will be enforcing the laws. Under the new law it is very specific the use variances are not allowed. McElroy pointed out the Zoning Board feels right now that they cannot give out any use variances.

Meeting was adjourned at 9:50 P.M. on a Rotatori-Hartmotion.

APPROVED AS READ:

Respectfully submitted;

Sergio Rotatori, Clerk

A handwritten signature in cursive script, appearing to read "Sergio Rotatori", written in dark ink.