

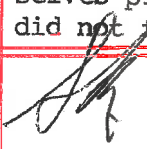
BELLINGHAM PLANNING BOARD
UPPER TOWN HALL
BELLINGHAM, MASSACHUSETTS

Regular meeting of August 25, 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 8:15 P.M.

A discussion on the proposed shopping center on No. Main Street was held between the Board, Consultant Philip B. Herr, Thomas Clark and Engineer Robert Cournoyer. Herr brought up the number of driveways together near the bank entrances, and stated he did not feel it was a good thing. He would like to see the bank close their entrance. There is a section in the by-laws that govern this (Sec 3300 (g) (1)). There has to be 250' distance between the two driveways. Clark stated it was the bank that was creating the problem not himself. McElroy told Clark the Board did not want to compound the problem. Cournoyer suggested to Clark that they get together with the bank and sit down and talk the situation over. Clark told the Board he knew the bank would never want to close one of their entrances. Herr stated there was a real problem in having four entrances in one close spot. If we were able to close just one entrance there would be just one less place for an accident to happen. Hart agreed there would be too much confusion with all those entrances. Clark questioned the Board if they were telling him that another man has to close his driveway or else he would not be able to get his building permits. Building Inspector Henry Borowski questioned whether or not the state would object to it if they felt it was going to be a hazard. They have to give permission before they can start to cut the curbing. Herr didn't feel the state would give it much attention, they give permission all the time to cut curbing. Clark pointed out to the Board there is nothing detrimental to the town in this project, it will increase the tax revenue to the town with no burdens. McElroy pointed out it was not just the wish of the consultant involved here, it is in the rules and regulations that everyone has to follow. Clark told the Board he has already talked to the bank and they have said no. He showed them the plan and they will not block up their entrance. Murray stated he was sure that the town wants to see a shopping center. Selectmen Donald Horan told the board as of right now the tax rate is going to be going up, he felt the board should be encouraging industry into this town. Not put up road blocks. Rotatori told Horan he was for business, but he didn't intend to have a business man come and tell him what to do. They cannot come before the Board and tell them what to do, that is exactly what Clark is trying to do. McElroy agreed with Rotatori. Cournoyer told the Board they were all aware now of the potential problem and suggested that they leave the plan as is with all the entrances for a trial period. If in a couple of months there is indeed a problem they can then sit down with the Police Dept, the bank, the Planning Board, themselves plus anyone else that might be involved and reach a solution. He did not feel a final solution had to be made right now. They are just

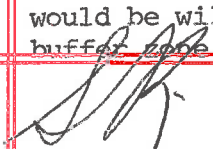


guessing there will be a problem. Herr pointed out one of the parties involved is the bank and they would have to agree to this. McElroy pointed out right now the bank isn't a party to any agreement. He did not feel the Board would be accomplishing anything by this. Clark asked what is the bank wouldn't agree to the closing of their entrance. McElroy stated it would be to their advantage, you could show them how it would be to their advantage, show them the plan. Murray stated he felt the Board should get the thing going now, and not wait. McElroy suggested that the Board's secretary could get the information, pass it along to the members and when the information was in hand they could make the right decision. Clark discussed moving the entrance down and pointed out it would mean destroying two different lots worth \$50,000.00 each. The lots are only 20,000 sq. ft. each. He would have to get another plan together and come back and start all over again. Herr suggested the Board could approve the plan as is if the bank doesn't agree to commit themselves or the drive could be located further down on the street. Murray pointed out to the Board that on Pulaski Blvd there are many driveways and the only accidents are at 1:00 AM when there is no traffic. Herr questioned if that road was a success, would the board be happy with another situation like that and would then want to create another situation here. Clark told the Board he wanted the Board to take a vote on this right now and give him an answer. McElroy said he would be in favor of the bank being asked first. On a McElroy-Brisson motion the Board voted not to take any action on the plan at the present time until the bank has been contacted about the driveway, Rotatori voting for with Murray abstaining.

PUBLIC HEARING - REZONING OF HARTFORD AVENUE AND MULIT-FAMILY BEDROOMS

Chairman Murray opened the meeting at 8:30 P.M. to consider the rezoning of approximately twenty acres of agricultural land and placing it into industrial land. And revisioning the zoning text of Sec. 4421 to regulate the total number of three bedroom multi-family dwelling units. Secretary read the notice as it appeared in the papers. Approximately 9 people in attendance.

Attorney Warren Heller of Milford, John D'Acri owner of John's Used Autos, and Frank Smith urged the Board to favorably consider the rezoning. Heller told the Board D'Acri has been in business for 20 years running John's Cars. He showed the Board an enlargement of a 1919 approved plan and pointed out the land they wanted rezoned that belonged to D'Acri. He told the Board they had requested a variance from the Zoning Board of only 4 acres and was turned down. McElroy questioned how near the neighbors were to the land in question. Heller told him at the time of the hearing for the variance all but one of the abutments that appeared before the Board were not against it. D'Acri wanted to expand his own business and also have small business for the land. A certain amount of the land will not be able to be used. They would not use 200 sq. ft. from the pond. He showed pictures of the property. D'Acri would be storing used foreign auto parts on the site. He can only do this in an industrial zone and now the land is zoned agricultural. It would cost him substantial money to develop the land for homes or other similar use. At the hearing before the Zoning Board seven or eight neighbors came down and all but one of them expressed their concern on what was going to be done with the land. Most of his neighbors had glowing things to say about him. Heller told the Board they would be willing to sign a covenant with the town that they would leave a buffer zone next to Beaver Pond. This was wooded area. There was one



neighbor who didn't like the idea of when the leaves were gone that he might be able to see the cars there. They could solve this by butting it in writing that they would leave a minimum 100' buffer zone there. If it were thought there might be a problem of the view with the neighbors, he would be willing to put up a fence or shrubs. He has been a good neighbor to the people around him and we would like to continue being so. Heller told the Board if the land was rezoned, D'Acrici would almost be able to double his employment bringing in more people to work for him and pay more taxes to the town. There is a growing need for parts for autos. There is not too much of industrial zoning near Rte 495. This area would lend itself to small types of industry. Common interests would be served for both the owner of the land and the town. The area immediate near the land in question is currently being used for gravel and it would be an extension across the street of a current business.

McElroy stated he would like to see a copy of the minutes of the variance meeting. He would be concerned with the abutters since none of them had to be notified of this hearing.

Herr pointed out the town could not do any trading in zoning. Weller told him they could enter into some kind of an agreement with the neighbors themselves. This would be legal. McElroy questioned who would do the enforcing of the agreement. Herr stated the zoning itself could stop some 100 sq. ft. from the line of the pond. There is one way you could get such a covenant into effect, but it is very complicated. Weller stated it might just be simpler to put in a buffer zone. They would be more than willing to do this. It could then be dead land. With only 16 acres of land involved, they are talking about light industry. Hart questioned Herr as to whether or not the town already had a rule on buffer zone on the laws. Herr stated no, that would be for gravel or sand removal only. Weller again pointed out this rezoning would be consistent to the immediate area. If there was a right place to put this kind of business in town, this would be the spot for it. McElroy stated he was sure the immediate people would be concerned with the noise, dust, etc. He questioned why they had been turned down by the Zoning Board. Weller stated they felt it wasn't a substantial enough hardship to the land. They didn't meet the three prerequisites of a variance. Paul Farrell told the Board he would like to see it approved. If a business man in town wants to expand, the Board should encourage it. McElroy asked the secretary to get a copy of the minutes of the Zoning Board hearing for the next meeting.

On a Rotatori-Hart motion the hearing on the rezoning was adjourned at 9:10 P.M.

On a McElroy-Rotatori motion the Board voted unanimously to take the request for rezoning under advisement until the Board has had a chance to review the minutes of the Zoning Board.

Weller requested the Board in the event of a favorable decision to sponsor the article at the town meeting.

Murray asked if there was anyone who wished to speak on the multi-family article. There was no response. Board will review the article at the next meeting.

Henry Roy of South Main Street and Engineer John Parmentier presented a preliminary plan of 12 lots located off South Main Street on the westerly side across from the Pumpkin Seed. Roadway is 40'. Plan is basically the same as previously presented located 300' approximately from Chestnut Street. Subdivision is called Belle View Manor. They would like

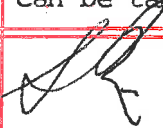
to receive quick action from the Board and to be able to come in with a Definitive Plan as soon as possible. Roy pointed out two lots were in the woods with the remaining eight lots in the open field. Brisson told Parmentier when he came in with the definitive plan to pay particular attention to the drainage going into South Main Street. The two catch basins were leaching basins. The plan right now shows half of the proposed street going into those two basins. If there are any problems, there now he would only be adding to it. Herr agreeded and told them tha a red flag has been raised about the drainage onto South Main St. McElroy told them not to add any more lots onto that drainage. Brisson pointed out since there is an easement there already, he suggested that he just run their own pipe right along the easement and out that way. On a McElroy-Rotatori motion, the Board voted unanimously to approve the preliminary plan of Belle View Manor. Parmentier will bring in the definitive plan at a later date. He would not be ready at the next meeting.

Greg Burrell of Kingsley Woods off Hixon Street requested that his bond be reduced from \$23,000 to \$11,000. Letter was received from Highway Superintendent Gerard L. Daigle stating that he had inspected the roadway and listed the remaining work to be completed and setting a total amount of \$11,000. Burrell stated he has four houses on Barrett Lane and four under construction and all of them have been sold. McElroy questioned him as to whether or not all of the work has been completed as agreeded upon on Hixon Street. Burrell told the Board he had gone as far as he could possibly go on scraping down the street and widening it. On a McElroy-Brisson motion the board voted unanimously to reduce the bond on Kingsley Woods to \$11,000.00 . Burrell to come back with another bank book in that amount at the next meeting.

Consultant Herr discussed the issuing of Special Permits with the Board. The forms filled out by the Zoning Board could not agree on who should be the Board to act on what permits. Herr stated the next step would be for the Board to discuss what they felt was right and then meet with the Zoning Board and the Selectmen to firm it up. McElroy suggested the Board set aside thrity minutes at the meeting at the end of September before holding a joint meeting. Board agreeded.

Herr told the Board there was language burried in the new zoning act which they had just caught. Lots in a subdivision are no longer exempted from current regulations after five years. This was done to prevent checker-board building. This would also effect the individual land owner, and prevent him from building. Hart felt that would not be fair. Herr stated they could write something into the new laws that there would be a grandfather clause for the front yard, frontage, side lines, etc. going back to the time of the original subdivision. McElroy asked if they could also emempt swimming pools in the language. Herr said yes, this they would do. Herr pointed out this would not prevent checker-board in town with his new proposal. Herr will draw up an article.

Board discussed the shopping center on No. Main Street. Brisson will get in touch with the bank, and discuss with them the moving of their driveway. and get back to the Secretary. She will then call the members and action can be taken before the next meeting.



On a Hart-Rotatori motion the Board voted unanimously to release Lot 1217 of Wethersfield II, a.k.a. 198 Caroline Drive.

The following bills were unanimously approved for payment on a Hart-Rotatori motion:

Woonsocket Call - Public hearing of rezoning and multi family - \$27.14

Milford Daily News - " " " " " " " - \$28.00

Bills to be paid out of the Public Hearing Account - 1-74.

Meeting adjourned at 10:30 P.M. on a Rotatori-McElroy motion, unanimous.

Respectfully submitted:

Sergio Rotatori, Clerk

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