

Bellingham Planning Board
Upper Town Hall
Bellingham, Massachusetts

Regular Meeting of September 8, 1977

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

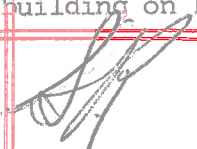
Chairman Murray opened the meeting at 8:00 P.M. Lot 3017 on Wethersfield I was noted as being signed on August 31, 1977 by James McElroy, James Hart and Sergio Rotatori. Lot located on Wethersfield Road

Greg Burrill of Kingsley Woods gave the board a savings account passbook #38728 from the Home National Bank of Milford in the sum of \$11,000.00. A letter dated September 8th signed by Henry R. Ruggiero, Cashier, confirmed the sum of \$11,000 which is for road work to be completed on Barrett Lane, Monies will not be released until notification from the Planning Board has been received that work has been completed to the Board's satisfaction. Board released Book #38460 for \$23,000 in exchange for the \$11,000 pass book.

John D'Acri and Frank Smith showed the Board a new plan for the proposed rezoning to industrial district off Hartford Avenue. McElroy told the Board he went to see the property and to the property of the abutters. In order to see any view of the proposed storage yard one would have to really stretch. McElroy read the minutes of the Zoning Board and was satisfied. With the new request showing a buffer zone of 100', the Board unanimously voted to grant the request for the rezoning from agricultural to industrial with the 100' buffer zone and that the Board will sponsor the article to the Board of Selectman. Move was made on a McElroy-Hart motion.

Engineer John Halnon representing Jeannette M. G. Hebert presented a plan showing four lots located on South Maple Street. Lot 5 having 52,127 sq. ft and Lot 6 having 54,247 sq. ft located in the Business zone and Lot 7 having 83,687 sq. ft and Lot 8 with 90,513 sq. ft located in the agricultural zone. Part of the back lnd is located in the Town of Franklin and plan will be singed by that town also. Lot numbers are what are shown in the land court plan. On a McElroy-Rotatori motion the board voted unanimously to sign the plan.

Judge Shaw and Vincent Thayer presented a plan of two seperate lots located on the cornor of Mechanic Street. Shaw pointed out the two building that exist there now (Cumberland Farms and Benjamin Franklin Bank) were in existance prior to zoning. Under Chapter 41 81-L the Board has the right to sign the plan making two seperate lots. Original plan was singed in 1954 prior to zoning which came into being in 1960. Since there were two very seperate building on the one lot prior to zoning, neither one of them are dependent on the other. Both are free standing. Thayer stated from the beginning there has always been two tax bills, two water bills and two mortgages. McElroy pointed out there was a similiar problem with Mostecks building on Pulaski Blvd. Secretary could not find correspondance on it.



In that case the Board would be granting another lot that was nonconforming. Shaw pointed out to the Board the regulations that allowed the Board to sign his plan. Law was specifically put on the book for cases such as the one before them. The separate buildings is what makes this case unique. McElroy pointed out he has sufficient frontage for both lots the side lot lines do not conform but they don't really become a problem. McElroy agreed the plan does come under 81-L. On a Hart-Rotatori motion the Board voted unanimously to sign the plan.

Building Inspector-Zoning Agent Henry Borowski spoke with the Board about changing the by-laws exempting swimming pools from being under structures. McElroy stated that was not a good idea if you waived swimming pools you would have to waive everything such as sheds. Borowski told the Board he would like to see something worked out where the people did not have to get a special permit. Some people have no choice on where they can put their pool. They don't have enough room and can't put them over their septic system. Brisson suggested perhaps the Board could put in a separate paragraph on swimming pools. McElroy pointed out if you make an exception for pools you have to make an exception for everything say for storage sheds. The three prerequisites are not just our rules they are also the state rules. Murray suggested the Zoning Board could be more lenient in giving out special permits. Borowski pointed out a special permit goes only with the owner at the time, when they sell their house then what do you do. A variance stays with the land and has to be recorded at the court. McElroy pointed out the Zoning Board has the authority to have a special permit recorded also and then it is an easy enough thing to get it transferred to the new owners. McElroy stated he felt the Zoning Board was trying to eliminate the public hearing, but if you make one exception you have to make all exceptions. People with problem on pools will have to think ahead and apply for a special permit.

Rotatori questioned Borowski about a zoning violation on Lake Street. Borowski told the board he had talked to the owner and had told him to get the illegal cars out of the lot. He was promised they would be removed next week. He had leased land in the Woonsocket Auto Village and will be moving most of his cars there. McElroy questioned if there was a permit to store non-registered cars there. Borowski answered no. McElroy pointed out he had his first violation right now. If he were fined every day he would soon comply. Borowski told the Board he would have the illegal cars out of there next week.

Borowski was questioned about the gravel permit in Cook's land off Silver Lake. Borowski told the Board he is almost running out of material and would soon be completed. An acre beyond the working area has to be covered. As of now he is meeting the requirement on the 100' buffer zone. He had measured it out.

Brisson questioned Borowski about the body shop in back of the Twin Pizza. Borowski told him he had been there yesterday. The permit is under Valley's permit. He told DeCosta to go down to the Board of Selectmen and request a permit. He was supposed to ask for a license. Twenty five cars were there and his permit is for only seven cars.

Board discussed Clark's shopping center off North Main Street. Brisson told



September 8, 1977

Page -3-

the Board he had talked to the people at the bank and they had refused to remove their driveway, but stated they would be willing to sit down with the appropriate people if a problem does arise and talk it over. Mc Elroy stated he was satisfied now that the bank had been approached and was aware of the potential situation. The Board could do nothing further. Board agreeded to accept Clark's proposal as presented.

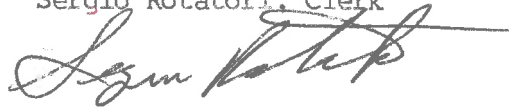
A letter was received from Philip B. Herr & Associates agreeing to the fee of \$3600 and outlining the scope of their services to the Board for the fiscal year of 1977-78. On a Rotatori-Hart motion the Board voted unanimously to keep and sign Herr & Associates as consultants. Chairman signed the agreement.

Meeting adjourned at 9:50 P.M. on a Rotatori-Brisson motion, unanimous.

APPROVED AS READ:

Respectfully submitted,

Sergio Rotatori, Clerk

A handwritten signature in dark ink, appearing to read "Sergio Rotatori", written over the printed name.