

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, MASSACHUSETTS

Regular Meeting of June 12, 1980

Members Present: John Murray, Chairman
Sergio Rotatori
James F. Brennan, Jr.
Carl Rosenlund

The following bills were unanimously approved on a Brennan-Rosenlund motion:

Philip B. Herr & Associates - \$235.77 (100 zoning maps, 1 street base mylar
+ 15 prints)

Commonwealth of Mass. Industries for the Blind - 6 doz pens \$13.50

Thomas Clark submitted a plan of land owned by Arthur C. Yound of Hopedale and Thoms S. Clark of Bellingham dated May, 1980 drawn by Robert C. Cournoyer & Associates, Inc. Clark told the Board he was requesting that the Board sign the plan for the lot showing 475,115 sq. ft, 10.90720 acres with a 50' right of way from Mechanic Street. Clark told the Board he had tried to record it with the Registrar of Deeds and they had sent the plan back to him to get the Board's signature. He did not know the reason why they did this. The Registry just told him that it was new regulations and that they had new rules and regulations. Rosenlund and Brennan stated that they could not sign the plan because of the frontage. Clark stated that the plan had already been signed once by the Board. Rosenlund suggested that the Board discuss the plan later on in the meeting when Clark could get a copy of the original signed by the Board. Clark stated that the 50' frontage was created when the Board signed the plan creating the lot for Joseph Reed. Reed's property has been sold to him and is recorded. Rosenlund felt if the Board signed this plan it would be creating a 50' undersized lot. He suggested that Clark find out either from his lawyer or his engineer the reason why the registry would not record the plan. Clark will attempt to find the original plan.

Tim Giatis of the First Baptist Church presented a plan of land located on South Main Street. Giatis stated that the Church was dividing the property that the Christian Life Center was located on into two lots. Lot 1 (with the building) with 173.31' frontage and 1.7 acres and Lot 2 with 250' frontage and 1.52 acres. The Church was selling Lot 2 to Mr. Brown who owned the adjacent lot on So. Main St. Murray questioned how many people could occupy the building and was told up to 75 people. Brennan and Rotatori questioned if enough land would be left for parking of cars. Building Inspector Borowski stated when the permit was issued to the Christian Life Center that he was guaranteed that a parking lot would be made for the cars. This was over five years ago. Giatis told the Board the Church was trying to raise money to put in a parking lot. The Church had permission to use St. Blaise's parking lot and that cars do park in the driveway. Borowski stated that there has been problems with cars parking on the main street. Rosenlund felt it was a public street and there were no signs against parking. Board was concerned where the building was located on the plan as it was not shown. Giatis stated that there was at least 40' on each side of the building to the lot line and 200-300' to the rear lot line.

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Brennan questioned Giatis on the use of the Center and was told that it was bought originally as an extension of the church to teach Sunday School. It was used by many organizations in the community. Brennan felt the Center could therefore be considered the educational center of the church and as such would be exempted from zoning under Section 3, Chapter 40A of the G.L. Board was satisfied that the building did not cause any problems with lot lines and on a Rotatori-Rosenlund motion it was unanimously voted to approve the plan of the First Baptist Church for Lot 1 and Lot 2, on South Main Street.

Thomas Clark showed the Board a copy of a plan signed by the Board dated May 25, 1978 which created 4 lots, Lot 3 now occupied by the N.E. Truck painting company. He told the Board he could not locate the plan signed by the Board which created the lot sold to Reed. Board agreed they could not act until the plan which created the 50' road could be seen. Rosenlund stated that the Registry probably would not record the plan because the plan did not have the frontage. Murray pointed out that if Arthur Young was going to buy the back lot, since he already owns the lot between DaPrato and Paturzo then the back lot could be added to the lot already owned by Young to create a legal lot. Clark stated that the two lots would remain separate. Secretary will check into the files for the next meeting.

Building Inspector Henry Borowski told the Board that he was seeking their recommendation on the proposed skating rink on Pulaski Blvd. at the site of Fore Court Tennis Club. Rotatori told Borowski that he could not see how the Selectmen could issue a license unless they hear from the Planning Board, Zoning Board of Appeals, Board of Health, etc. He questioned if the Board of Selectmen want to know if this activity of a skating rink is allowed in a B-1 zone. Borowski told the Board he could issue an occupancy permit for the amount of parking spaces on the site, but the rink could not survive on this number.

Borowski stated that the building was 28,000 sq. ft. and was constructed before it was zoned. It is there as a non-conforming use. The area was then zoned to B-1. You cannot cut the building in half. The building is legal. It is a recreation facility and as such he has to base his occupancy permit based on 0.8 spaces/occupant which comes out to be for 120 people. Since it was his feelings that once you go over 100 parking spaces it becomes a major commercial complex and you have to be in a B-2 zone. Under this the rink would have to come before the Zoning Board of Appeals for a Special Permit. In the application for their permit, the developers of the rink showed a plan for 137 parking spaces.

Murray felt that 0.8 spaces was a ridiculous figure for this type of a facility. In his opinion the roller skating rink was not a major commercial complex. Rotatori was in agreement with Murray.

Rosenlund told Borowski that if he issues a permit for the operation the opposition will charge that it was illegal and they will come to the Zoning Board for an appeal. If you site it as a major commercial complex then the applicants will come before the Zoning Board for an appeal. He felt the matter would end up at the Zoning Board and therefore he wanted it stated clearly that he was excluding himself from any opinion in the matter, as he is a member of the Zoning Board. Brennan agreed with Rosenlund and also stated that he would not make any decision on the matter.

Brennan did tell Borowski that he should go ahead and make his decision on what he felt was right.

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Borowski told the Board that the Selectmen wanted his decision by tomorrow. He was waiting to talk with Town Counsel. It was his clear understanding that no more than 100 parking spaces would be allowed in a B-1 district. He felt he could give them an occupancy permit based on 100 parking spaces. Town Counsel would have to prove him wrong. Herr will be consulted at the next meeting.

Meeting was adjourned at 10:10 p.m. on a Rotatori-Brennan motion.

Respectfully submitted,

Gerald R. Brisson

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Clerk