

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, MA.

Executive Session - March 25, 1982

Members present-

Carl Rosenlund, Chairman
Sergio Rotatori, Vice Chairman
Joan King
Bert Boiteau
John Murray

The executive session was called due to legal matters brought forth by Mr. Joseph LaPlante. Also present was Phil Herr.

Mr. LaPlante thanked the Board for going into executive session. He said he had been building inspector less than 2 weeks and he had questions on the legal matters concerning Mr. Clark and Bellingham Plaza. He had been going through papers and saw a letter from the Planning Board. He asked the Board if the special permit for the Plaza had been recorded at the Registry of Deeds.

Mr. Herr said he thought not.

Mr. LaPlante said the assistant building inspector had no record that is recorded.

Mr. Rosenlund said it had been discussed before and the Planning Board had no copy of the recorded special permit.

Mr. LaPlante said it would make a difference.

Mr. Herr said there would be no special permit if it were not recorded. He suggested checking with the Registry of Deeds.

Mr. Rosenlund said Mr. Clark said it had been recorded and but it could never be verified.

Mrs. King said Mr. Clark was supposed to have recorded it.

Mr. LaPlante said it would be to his advantage to have it recorded.

Mr. Herr said if it was not recorded you have as much leverage as if it was recorded. You can order him to stop

Mr. Rosenlund said the special permit had to be recorded within a year.

Mr. LaPlante said it could be used as an excuse.

Mr. Herr said the limitations do not apply because it was not recorded. Not recorded no permission.

Mrs. King said if it was recorded it did not have time limitations.

Mr. LaPlante said he would have to verify the recording or not. If it is recorded the stipulations put on they change at any point. Example - no signs going, etc.

Mr. Rosenlund said he remembered that at the hearing and if Mr. Clark thought he would have one the Board suggested he add it.

Mr. LaPlante said it would be a violation if it was not stipulated.

Mr. Murray said the special permit allows right to have a major complex in a B1 or B2 zone.

Mr. Herr said there were stipulations that there not be a freestanding sign.

Mr. LaPlante said in the minutes 3 individuals questioned that.

Mr. Murray said it is confusing a special permit with site plan review.

Mr. LaPlante said the Board does not have a copy of that permit.

Mr. Rosenlund said the Board did dictate specifics stated on the site plan review.

Mr. LaPlante said he would like it verified in plain English.

Mr. Rosenlund looked at the file - it said the permit had to be recorded within 30 days. There is no record of it. The document had to be recorded as granted

Mr. Murrays said it was recorded on September 27.

Mr. Rosenlund said that was with the Town Clerk.

Mr. LaPlantes said he wants to verify.

Mr. Murray said the copy of the minutes refer to the whole thing.

Mr. Herr said the special permit is invalid therefore the building permits are invalid.

Mr. Murray said the selectmen pushed it.

Mr. LaPlante said the proper way was to find out if the special permit was recorded. He asked if the Planning Board had made an on site inspection of the Plaza and was this normal procedure.

Mr. Murray said field trips were taken - not as a normal procedure. The Board approves the plans the building inspector enforces them.

Mr. LaPlante said better than a year has been spent on this by



the Zoning Board, Planning Board, and the selectment. Nothing done. Now there is a compromise and he is not comfortable with it. It would be setting a precedent. After looking there are numerous violations.

Mr. Rosenlund said there has been a 60 day extension. You do not want to crucify someone.

Mr. LaPlante said an additional 60 days has been ordered by the court. It is not off the calendar and not one. In 30-60 days the case could be dropped or brought back up. If he is given 6-7 months then that gets us into the winter months.

Mr. Herr said if Mr. LaPlante goes to court he has to be represented by Town Counsel.

Mr. Clark is being represented by a Mr. Poirier from Milford.

Mr. Herr read Chapter 40-Section 311 - 4th paragraph. There is a special permit until copy to the Town Clerk for 20 days and then recorded at the Registry of Deeds. The fee is paid by the applicant.

Mr. LaPlante asked if the permit was issued would the town be held liable.

Mr. Herr said it was not something the building inspector should have to do. He should have counsel.

Mr. Murray left the meeting.

Mr. Rosenlund said the Board had given the information needed. That they do not want this to drag on either.

Mr. Herr said one of the selectmen supports a full time building inspector. He needs backing up. Then the inspector needs counsel. How can the Planning Board help.

Mr. King said talking nicely has not helped. Mr. Clark made promises and has not kept them.

Mr. Herr said the Board could go back to the meeting and vote to send the selectmen a letter saying there is no copy of the permit and it appears the permit is voided and that other questions and more of a technical nature should require counsel for the building inspector.

Mr. Rosenlund said the question could be asked at the meeting about the special permit. The selectmen should provide the legal counsel.

Mr. LaPlante said he was walking on water because 2 selectmen wanted to hold off. He feels it is a waste of money and time.

Mr. Rotatori said there is dumping in the back of the

Plaza.

Mr. LaPlante said the biggest violation is allowing a trucking terminal. The Plaza can not be controlled.

Mrs. King said in a show af good faith the fence was put up in the back of the Dairy Queen.

Mr. Rosenlund said to take the Board's information and decide what to do with it.

Mr. Rotatori said there should be cooperaton from the board of selectmen.

Mr. LaPlante said the biggest violation is the permit, signs, bankings, rails.

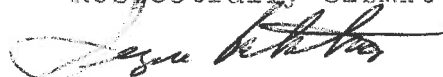
Mr. Boiteau asked if the Board was positive it was never sent.

Mr. Rosenlund said it was not in the file. There would be a receipt for recording.

Mr. LaPlante said he thought it was proper to come into executive session. He thanked the Board.

Executive session ended.

Respectfully sibmitted,



Sergio Rotatori, Clerk

Whole session on tape.