

Bellingham Planning Board
Town Hall Annex
Bellingham, Mass.

Executive Session - August 26, 1982

Members Present: Carl Rosenlund, Chairman
Sergio Rotatori, Vice Chairman, Clerk
Joan King
John Murray

Member absent from this meeting: Bert Boiteau

The meeting was called to order by Chairman Rosenlund at 9:35 P.M.

At the regular meeting of the Planning Board on August 26, 1982, and following notice given by Chairman Rosenlund, a roll call vote to go into executive session was recorded into the minutes of that meeting. The Board voted 4-0 to go into executive session to discuss the Complaint filed by Joseph A. Johnson against the Planning Board. Chairman Rosenlund introduced the Complaint and discussions were held with consultant Philip Herr on each of the items, 1 through 24.

On items 1 and 2, the Board has only hearsay information or that as presented in the complaint.

Item 3. Members verify addresses to be correct.

Item 4. The Board finds this to be correct.

Item 5. Members verified that the location is in a residential zone. The Zoning Bylaw is silent with regard to number of bedrooms.

Item 6. No specific information on this.

Item 7. Cannot address.

Item 8. Cannot address.

Item 9. Cannot address.

Item 10. Cannot address.

Item 11. The Plaintiff did submit an application for Special Permit dated June 2, 1982 and was received by the Board at its June 10, 1982 meeting. The Board cannot address the other matters.

Item 12. The suggestion to apply for a variance was not "the Town's" but the Planning Board's. Mr. Rosenlund said he believes he told Mr. Johnson that the Board would not accept a request for a Special Permit without a variance because he did not comply.

Item 13. Cannot address.

Item 14. Same response at Item 11.

Item 15. This is a matter of law.

Item 16. Board finds this to be true.

Item 17. Mr. Herr's letter of June 30, 1982 must be read in conjunction with the June 24, 1982 letter.

Item 18. The Board is not in agreement with this. It feels testimony was given at the June 24, 1982 and July 6, 1982 public hearings. Joan King stated that although she was not present at the June 24, 1982 meeting, at the July 6, 1982 meeting it seemed that there was quite a bit of testimony that was not in agreement with the fact that it met the criteria for issuing a special permit. When questioned by Chairman Rosenlund, Mrs. King pointed out that it did not meet the criteria because he did not have 10,000 sq. ft. which is the criteria for the Planning Board granting a special permit.

Mr. Rotatori stated that he did not feel that the variance was correctly issued by the Zoning Board, and further feels as mentioned to Mr. Herr, that there is a conflict of interest in this variance and that is another reason why he is against it. Mr. Herr agrees with Mr. Rotatori and Mrs. King that there is conflict of interest.

Mr. Rosenlund said that this was the area that had to be addressed in an individual decision.

It was further pointed out that testimony was given that the parking as proposed violated section 3330(a) and 3330(c) of the Zoning Bylaw and that foundation grades made compliance with 3250 doubtful. Testimony was given that Section 2600 footnote (f) was not complied with since the variance putatively affording compliance was invalid because of failure to meet statutory criteria.

Item 19. The Board finds this to their knowledge true.

Item 20. The Board finds this to their knowledge true.

Item 21. Cannot address.

Item 22. Cannot address.

Item 23. Cannot address.

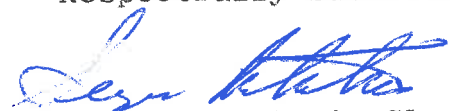
Item 24. The plan as originally submitted had a variety of conflicts. As noted at Item 18, the plan did not comply with all relevant requirements of the Zoning Bylaw.

Mr. Rosenlund inquired is there was any further discussion. Mr. Herr's suggestion was that the Planning Board try to avoid going into Court and try to resolve this in another way.

On a Murry/King motion the Board voted 4-0 to adjourn.

Adjournment at 10:40 P.M.

Respectfully submitted,


Sergio Rotatori, Clerk