

Bellingham Planning Board
Town Hall Annex
Bellingham, Mass.

Regular Meeting - July 28, 1983
Members Present - Carl Rosenlund, Chairman
Sergio Rotatori, Vice Chairman
Joan M. King
John P. Murray

The meeting was called to order by Chairman Rosenlund at 7:35 P.M.

Members reviewed the mail. Mr. Rosenlund read the letter from Mr. Ambler dated July 27, 1983 regarding the stipulations related to the Lawrence Cade cluster plan. Mr. Herr will review the decision and stipulations during this meeting.

Also, a letter from Weston & Sampson Engineers regarding the sewer proposals was read by Mr. Rosenlund, a copy of which was sent to Mr. Herr. z Mr. Rosenlund said he had asked them to respond to Mr. Herr. They were supposed to come back with a more fully detailed plan at the last Sewer Commission meeting. Members felt this meeting was more positive. In reply to the letter from Weston & Sampson, the secretary was requested to send a letter requesting that they send a copy of the draft report of the Existing Conditions section and Alternatives section on file at the library to Mr. Herr. This being item 8 of their letter of July 21, 1983.

Regarding Zoning Footnotes, Mr. Rosenlund requested the secretary send a copy to the Board of Selectmen with a letter requesting their response. This article was prepared by Mr. Herr as suggestions on clarifying some confusion in the footnote system. The Board will await a reply from the Board of Selectmen.

On a Rotatori/King motion the Board voted 4-0 to pay the secretary's salary of \$120.00 for month of July.

At 8:15 P.M. John Rhodes approached the Board with an approval not required plan. Property os located off Locust St. Members reviewed the plan and found no problems with it. Mr. Rhodes said he plans to put in a new house. The Form A and \$10.00 filing fee was presented to the secretary. on a Rotatori/King motion the Board voted 4-0 to sign the plan. Mr. Rhodes thanked the Board and left at 8:40 P.M.

Mrs. Plante returned to the Board on her original request for back lot division. Addressing the Plantes, Mr. Rosenlund said he had checked with the Town Clerk yesterday morning and at that point nothing had come back from the Attorney General in regards to approving the Town Meeting vote. Back Lot Division is a new Zoning Bylaw. However, the law says that a Zoning Bylaw passed at Town Meeting becomes effective upon the vote of the Town Meeting, which means it becomes effective that night. He further pointed out that there is a contradiction that says that the Attorney General then must approve the Town Meeting articles and he has 90 days in which to approve it. He pointed out to the Plantes that there is a possibility should the attorney general not agree with the Town Meeting vote and turns it down, anything they do between now and that 90 day period can be jeopardized. He said he does not foresee any problem but doesn't know.

Mr. Rosenlund pointed out to Mr. & Mrs. Plante that under that article that

was adopted at Town Meeting, the next step is to set up a Public Hearing before any plans can be presented. A Special Permit must be granted by the Planning Board under that provision. He explained the procedures to be followed. If they wish to proceed a Public Hearing date can be set up. Mrs. Plante will complete and file with the Town Clerk the request for Special Permit and send a copy to the secretary.

Mrs. Plante has a completed Form A with map plans which Mr. Rosenlund pointed out she will need to present before the Board after the Public Hearing is held. Should the Board grant her request for Special Permit, the Form A and plans will then be filed with the Town Clerk and a copy to the Planning Board, after the Board has signed the plans and it receives a copy of the Form A. Mr. Rosenlund received verification from Mr. Herr on this procedure.

Mr. Rosenlund explained to Mrs. Plante that before the Board can sign the plans a public hearing must be held which the new Bylaw says must be done to make sure that everything in this Bylaw is being complied with.

Mrs. Plante wishes to proceed with a public hearing. Mr. Rosenlund told Mr. Plante there is also a fee involved. Discussion was held regarding fees in this case. Mr. Herr noted that the filing fee reads \$3.00 per parking space in this case and the fee of \$6.00 would be a good argument as this would be creating two parking spaces.

Mr. Rosenlund feels that this being the first case, the Board consider waiving this fee. The advertising cost for the public hearing would be sufficient, which Mr. Rosenlund wishes the Board to consider also.

The Board discussed whether advertising be placed in one or two newspapers. It was determined previously that advertising in one paper is legal although Mr. Ambler did not like it. Mr. Rosenlund felt that, under the circumstances, and it should be clarified by the Board, that nothing would be jeopardized by going with one newspaper. He felt that asking people like the Plantes to come up with \$50.00 for one paper and \$50.00 for another paper before they even get started would be a great expense for them.

Mr. Rotatori suggested the ad be placed in a paper generally covering the south end of town where this property is located.

Mr. Rosenlund entertained the motion for setting up the public hearing and also a motion to stipulate the newspaper to be advertised in and also to waive the \$6.00 parking space fee.

On a Rotatori/King motion the Board voted 4-0 to hold a public hearing for Mr. & Mrs. Plante on August 25, 1983 at 8:00 P.M. to be advertised in the Woonsocket Call and waiving the restriction of the \$6.00 parking fee.

Mr. Rosenlund explained the procedure of the public hearing to Mrs. Plante and the appeal period. Mr. & Mrs. Plante thanked the Board and left at 9:15.

Robert San Clemente of Guerriere & Halnon, Land Surveyors approached the Board representing Ronald & Julia Dankowitz on their application for an approval not required plan. Mr. Herr and the Board members reviewed the plan, which is to convey a small section of land to allow existing shed and pool to conform to zoning so that title can be passed. Property on Lot 5 owned by Dennis & Elaine Fortin.

On a Rotatori/Murray motion the Board voted 4-0 to sign the plan as presented.

Mr. San Clemente to file a copy of Form A and a plan with the Town Clerk. A check for the \$10.00 filing fee was presented to the secretary.

At 9:35 P.M. Lawrence Cade approached the Board with an approval not required plan. His application is for the additional portion of land to be recorded as a part of his existing lot. Mr. Rosenlund asked Mr. Cade if this has anything to do with the acreage to be deeded to the ConCom. Mr. Cade said it has nothing to do with that. He is changing his lot line in order that his pool can be situated on the same lot as his house. He proposes to combine his lot 197A with lot 197B. He presented the map plan for review by the Board and Mr. Herr. The subdivision plan was also reviewed in relation to the lot owned by Mr. Cade and the 11 lots in the proposed cluster development. Also noted was the area to be deeded to the Conservation Commission and it was determined that the piece of land was not a part of the total package.

Mr. Herr asked Mr. Cade if the area that is going to be deeded to the Town is the same. Mr. Cade said, "yes, there is no changes".

Mr. Rosenlund said that his concern is and he wants to be sure of is that there was to be 12.5 acres to be deeded. Mr. Cade said "on or about 12.5 acres, plus or minus. Mr. Rosenlund asked whether he was considering that to begin with. Mr. Cade said that lot 197B was always supposed to be a part of his lot but was never recorded. This is what he wishes to do now. He does not plan to build on it. Mr. Herr and the Board members found no problems with the plan. Mr. Cade presented a copy of the plan, Form A, and \$10.00 filing fee to the secretary.

On a King/Murray motion the Board voted 4-0 to sign the plan as presented. Member Boiteau absent.

Regarding the Board's decision on the Cade Special Permit, Mr. Rosenlund read Mr. Ambler's letter in reply to the Board's letter requesting his review of the stipulations. Mr. Herr said that what Mr. Ambler has raised are a number of points, one of which Mr. Herr feels is right and requires retyping the decision, although he doesn't know how the Board would cope with that, as far as retyping the decision. He plans to draft the change and then the Board would be able to act on the final language tonight. Members agreed and Mr. Rosenlund asked the secretary to get signatures after retyping the decision.

Mr. Cade asked if another public hearing has to be held when he comes in with a definitive plan. Mr. Rosenlund said yes, as that would be when his engineer would come in and explain to the people where drainage, etc. would be. Mr. Cade requested a public hearing be set up for the next meeting. Mr. Herr pointed out that he would need drawings prepared. Cade said they were being prepared now. Mr. Rosenlund suggested that as soon as they are prepared he send a copy to Mr. Herr. Mr. Cade agreed. Mr. Rosenlund pointed out that the definitive plan should be completed in time for Mr. Herr to review it as well as the other Boards. He would hesitate to set up a public hearing in the event the plans were not completed as Mr. Cade would still have to bear the cost of advertising.

Mr. Rosenlund pointed out that the decision has to be finalized and file the special permit. Mr. Cade said he thought the decision was made already. Mr. Rosenlund pointed out to Mr. Cade that the decision was made to grant pending stipulations proposed by the Board which was sent to Mr. Ambler to make sure the wording was right. Mr. Cade acknowledged.

Mr. Rosenlund read the Board's decision with the stipulations to Mr. Cade. The letter from Mr. Ambler was read also, in which he addressed some of the stipulations. Mr. Herr was in agreement with Mr. Ambler on the wording of condition #2 to add "with the number of dwelling units on each lot not to exceed one". The Board members agreed.

Mr. Herr pointed out that before Mr. Cade is able to deed out lots he is

going to have an agreement with the Conservation Commission.

Mr. Herr suggested the wording "the proposed development will be superior to a conventional plan because of reserving open space along the Charles for conservation, facilitating building locations away from flood-prone or wetland areas, and resulting in reduced length of roads and utilities".

Mr. Herr suggested wording "no evidence has been observed or presented at the Public Hearing to indicate that the proposed plan is less than equal to a conventional plan in any other respect".

Mr. Herr also suggested rewording to note that Bert Boiteau was absent in the voting, as well as the public hearing. Mr. Rosenlund inquired if the members were in agreement with the wording of the stipulations. Members present were in agreement.

Mr. Cade said he wants to bring in the definitive plan because he desires to commence his project before the freeze season begins.

Mr. Herr and Mr. Cade left the meeting to write up the revised decision.

Mr. Rosenlund read the letter from the Conservation Commission regarding a petition by Morton Schafer for inclusion of his land in S. Bellingham under the Agricultural Preservation Restriction Act. Members reviewed the material and a copy of a map showing the approximate area. Mr. Murray said he would not sign anything until he knows what it is actually about. Mr. Herr said that to approve that application from the Town's point of view would be a reversal. It was noted the Board rezoned to commercial several years ago. The members agreed to inquire for further information. The secretary was requested to write a letter to Mr. Holmes informing them that the Board reserves comment until such time as Mr. Schafer can appear before the Board and explain his proposals.

Mr. Herr completed the rewording of the Cade decision and the secretary was requested to retype this. Mr. Herr read the revised draft of the decision. On a Murray/King motion the Board voted 4-0 in favor of accepting the final draft. Member Bert Boiteau absent. The secretary was directed to type, proof read the decision and get signatures of the four members at the earliest possible time, then file with the Town Clerk. Also copies to be sent to abutters.

It was agreed that Mr. Cade's public hearing on the definitive plan is to be advertised in the Middlesex News.

Mr. Rosenlund pointed out to Mr. Cade the possibility that all the Boards won't have time to review the definitive plan. Mr. Cade said as soon as the plans are ready he will hand deliver them to the Boards, which is the Water Board, Conservation Commission, Highway Dept., Fire Dept., Board of Health.

The Secretary was requested to send letters to these Boards requesting their comments or suggestions after reviewing the plan.

On a Rotatori/Murray motion the Board voted 4-0 to hold a Public Hearing on August 25, 1983 at 8:30 on the application of Lawrence Cade for approval of a definitive plan to be advertised in the Middlesex News. Member Bert Boiteau absent.

Mr. Cade thanked the Board and left at 10:20 P.M.

At this time, Mr. Rosenlund entertained a motion under Subdivision Control

Law, Section 365 (c) to waive advertising in the Milford Daily News and Woonsocket Call. On a Rotatori/King motion the Board voted 4-0 to waive advertisement in the Milford Daily News and the Woonsocket Call under Subdivision Control Law, Section 365 (c).

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

Adjournment at 10:35 P.M.

Respectfully submitted,

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

Sergio P. Rotatori, Clerk