

Bellingham Planning Board
Town Hall Annex
Bellingham, Mass.

Regular Meeting - January 12, 1984
Members Present - Joan M. King
Bertrand Boiteau
John P. Murray

The meeting was called to order by acting chairman John P. Murray at 8 P.M.

Members reviewed the mail and bills to be paid. Mr. Murray read the letter from the Personnel Board requesting 6 copies of the salary budget package to be submitted by January 17th. Secretary to take care of this. Mr. Murray also read a copy of the Board's motion regarding the application for funding to the Executive Office of Communities & Development.

On a Boiteau/King motion the Board voted 3-0 to pay the bills of: \$900.00 to Philip B. Herr for consultant fees for period October 1, 1983 through December 31, 1983; \$25.00 to Bliss Press for envelopes; \$10.48 to Martha Russo for reimbursement of postage and postcards.

Mr. Murray read the letter from Tom Steeves of Woods Real Estate in which he enclosed the Form G Certificate of Release regarding the property off Ray Avenue known as Lot 6. He is seeking a release of covenant.

Marcel Paul appeared before the Board to discuss a question he has on his So. Bellingham property. He previously appeared before the Board on December 8, 1983. Mr. Paul said he spoke to the building inspector for a variance. He said he has a little under 8 acres on the property. He was told that there must be 7,000 sq. ft. per bedroom or 10 acres. Mr. Paul reviewed the Zoning Bylaw with the Board. He had a question regarding Section 4400 Multi-Family where it says 20 acres is required and question on Section 2600 f townhouse dwellings where the bylaw says minimum lot area shall be 7,000 sq. ft. per bedroom but in no case less than 10 acres and he feels this is a contradiction; that 4400 contradicts 2600 f.

After some discussion, Mr. Murray pointed out that 4400 refers to multi-family and with townhouses you don't have to be in multi-family, but he would need the 10 acres. This was now clear to Mr. Paul. He said 2600 f would disqualify him and he would apply for a variance asking to vary Section 2600 f, which would be the 10 acres down to 8 and also instead of being able to put in 64 bedrooms he would ask for 60 bedrooms.

Mr. Paul's next question was regarding proposed townhouses in agricultural zone and if the same rule would apply, 10 acres. They looked at Section 2600 f again. Mr. Murray said he could go in any zone with townhouses. Mr. Paul referred to a 40 acre parcel he is considering and wanted to be sure what he could do before spending any money. Mr. Murray pointed out to Mr. Paul, regarding the 10 acres, that the Board had to make the rules somewhere, and added that he would like to see some townhouse development. Mr. Paul agreed.

Mrs. King pointed out that in order to build townhouses, he must first get a special permit from the Planning Board. Mr. Paul agreed. He could not get a variance without first getting a special permit.

Clifton Holman appeared before the Board, representing Kevin O'Laughlin of O'Laughlin Realty Trust, Norfolk on an approval not required plan. Property is located off Blackstone Street. He presented a map plan prepared by Landmark Engineering showing the property divided into 10 lots, in a residential zone. There are no houses on the lots. Members reviewed the plan and found the lots to be unusual but nicely done. They propose two family dwellings with the required 30,000 sq. ft. All the lots front on Blackstone St. and have the required frontage of 125 ft.

Mr. Boiteau asked Mr. Holman if this was recently surveyed as he had noticed surveyors in that area. Mr. Holman said it was recently done. It was also noted that this property is situated between the High School and the property built by Johnson. Members found no problem with the plan.

On a King/Boiteau motion the Board voted 3-0 to sign the plan.

Mr. Holman presented the Form A to the secretary and \$10.00 filing fee.

At 9 P.M. Carl Nuissl appeared before the Board and presented 2 map plans for approval not required. Both plans were reviewed by the Board and it was pointed out that these plans are a portion of the original map plan of land dated December 2, 1983 and presented before the Board for approval not required at its December 8, 1983 meeting, which showed a large parcel of land subdivided into 10 lots, and which was approved by the Board and as recommended by consultant Mr. Herr.

On these 2 plans, Mr. Nuissl is requesting a change of lot lines for lots 5 and 10. He pointed out lot 5 to be changed and is shown as lot 5A which fronts on Lake St. Mr. Nuissl said what they have done with this lot is to make lot 10 larger and alter the size. Lot 10 is shown as 10A. Mr. Nuissl explained the change made on the lot line of lot 5, where the line originally angled down and now goes across. He said it now conforms.

The 2nd plan presented by Mr. Nuissl shows Lot 10 Revised and a new Lot 11 with a 50 ft. frontage, which would be the left over lot.

Mrs. King pointed out that the Board cannot approve this. It is creating a nonconforming lot.

Mr. Nuissl said according to Mr. Stavinski that it conforms to the Zoning Bylaw. Mrs. King said not with a 50 ft. frontage. Mr. Nuissl said yes it does. He said that 50 ft. frontage was o.k. on a left over lot.

Mrs. King said no, but only under a special permit from the Planning Board, as is noted on the map plan.

Mr. Nuissl and the Board went over the Zoning Bylaws, Section 2580 on Back Lot Division which was read by Mr. Murray.

Following further discussion on this bylaw, Mr. Nuissl agreed the Board to be correct and clarified his understanding of the Board's position on his proposed Lot 11. He asked the Board to advise what he should do.

Mr. Murray suggests that Mr. Nuissl withdraw the plan and come back in two weeks when the consultant is present.

Mr. Nuissl said Mr. Herr looked at the plan of lot 11 with the narrow frontage, which Stavinsky had showed to him. He said he never met Mr. Herr but that Stavinsky sent it to him and they discussed it. Mr. Nuissl said Mr. Stavinsky said Phil didn't like it because of different reasons.

It was agreed Mr. Nuissl could plan to come to the next meeting and discuss this with Mr. Herr and the Board after the public hearings.

The Planning Board rejected the plan on Lot 10 revision because it is creating a lot 11 with a 50 ft. frontage, and is land in contiguous ownership.

Mr. Murray suggested a copy of this plan be sent to Phil for review, but Mr. Nuissl said he already has one as Mr. Stavinsky had sent him a copy.

On a Boiteau/King motion the Board voted 3-0 to sign the plan as presented showing the change of lot line on Lot 5.

Mr. Nuissl presented the Form A and \$10.00 cash filing fee to the secretary and was given a receipt.

Mr. Nuissl thanked the Board and left at 9:35 P.M.

Tom Steeves of Woods Real Estate in Millis appeared before the Board regarding his request for release of covenant on Lot 6, 32 Ray Ave., Bellingham. At the Board's meeting of December 8, 1983, a Mr. Dodakian made inquiry on this on behalf of Mr. Steeves; however, did not have the required form and information. He was to send the information needed to Mr. Rosenlund's home address; name of subdivision, etc. dating back to 1966, in order that the old file could be located.

Mr. Murray had read the letter sent to Mr. Rosenlund dated January 6, 1984 in which was enclosed a copy of the deed and copies of the Form G, which was partially filled out.

Mr. Steeves said that Attorney Zaltas found that there was no release of covenant and told him to just get it.

Members reviewed the copy of deed, which is in the name of Jean Lahue Kirkpatrick, and the Form G.

Mr. Steeves was complaining about the delay as he was anxious for the Board's signatures. Mr. Murray pointed out that the person who came in previously didn't have the required form filled out. Mr. Steeves said he didn't know the Board had one and the man who came in previously did not know the procedure.

Mr. Steeves said Attorney Zaltas gave him the information as shown on the Form G, which is partially filled out; then he went and got the deed. In a review the Board noted an error where the plan number is shown as #423 and should read #523. Secretary to make this correction on the Form G.

The Board was concerned that although the form says "Covenant dated November 15, 1966, there is no book and page number as required if recorded in Norfolk County Registry of Deeds. Without this completed the Board felt they could not sign the release. Mrs. King suggested to Mr. Steeves that he leave the form with the Board for further research. The secretary was requested to attempt to locate needed information. Mr. Steeves said the attorney just wanted the signatures. The Board was in agreement on signing the release after the information regarding the recording of the covenant was located. After which one of the Board members would have it certified.

On a King/Boiteau motion the Board voted 3-0 to sign the release providing the information required is located.

On a Boiteau/King motion the Board voted 3-0 to adjourn.

Adjournment at 10:00 P.M.

Respectfully submitted,


Sergio P. Rotatori, Clerk