

Bellingham Planning Board  
Town Hall Annex  
Bellingham, Mass.

Regular Meeting - May 24, 1984  
Members Present - Carl R. Rosenlund, Chairman  
Sergio P. Rotatori, Vice Chairman  
Bertrand Boiteau  
John P. Murray

The meeting was called to order by Chairman Rosenlund at 7:40 P.M.

Julius Dolimer appeared before the Board on an approval not required plan on property located off Paine Street shown as Lot 6 adjacent to the Woonsocket Country Club. This plan is part of the property on plans approved by the Board on May 10, 1984. On a Rotatori/Boiteau motion the Board voted 4-0 to sign the plan. Form A and \$10.00 filing fee was presented to the secretary.

At 7:50 Ben Ferigno and Mr. Fabian of Powder Hill Estates, Inc., Maynard Farm Road, Sudbury appeared before the Board to discuss their proposed townhouse development on Rte. 140. Mr. Halnon of Guerriere & Halnon Engineering, Franklin was also present.

At a previous meeting Mr. Halnon made a presentation on behalf of Ferigno and Fabian at which time two plot plans were presented to the Board for review. Mr. Halnon said they were trying to find out whether or not the Board might give them a favorable decision. They are proposing to build 38 two-bedroom townhouses versus 13 four-bedroom single family homes.

Mr. Rosenlund said he does not feel the Board should get into a lengthy discussion at this time as that should be done at the time of a public hearing.

Mr. Rosenlund read the letter dated March 22, 1984 regarding proposed townhouse development.

Mr. Herr said what we can't do is give them an assurance that they want. It can be discussed but the Board cannot give its decision.

Mr. Halnon said he spoke with the Water Dept., School Dept., and the Highway Dept. Mr. Rosenlund suggested they see the Conservation Commission.

Mr. Halnon to contact the secretary when they are ready for the public hearing. Mr. Ferigno asked about the one year limit on the special permit. Mr. Rosenlund explained that work has to begin within a year.

At 8:20 James and Barbara Murphy made their presentation to the Board regarding a problem they encountered while in the process of selling their property--an existing shed on the property does not meet the Zoning setback regulations. He said the 11 X 14 tool shed has been there for 11 years and he has owned the property for 3 years. He said that at the time he purchased the home the bank did not require a plot plan and, therefore, no one was aware of the shed's location as to lot line.

Mr. Murphy said the buyer does not want the shed removed; therefore he would like to handle this in the most legal way possible.

Mr. Brennan said the house was originally built in 1953 and there was no zoning at that time. It was established that the shed was built in 1961 when there was zoning bylaws. This property is in the Scott Hill area.

Mr. Rosenlund explained that there would have to be a public hearing by the Planning Board regarding this.

In further discussion Section 2530 of the Zoning Bylaws was reviewed by Mr. Herr as well as Section 6, Chap. 40A. Mr. Herr said he feels the quickest way is for the Building Inspector to give Murphy a letter saying the shed does not conform. Mr. Herr said he feels Murphy meets the State Statute of Section 6, Chap. 40A.

Mr. Murray suggested that the Building Inspector should consult with the Planning Board about giving a letter. Mr. Cibley said that he would like the Building Inspector to go to Town Counsel before a decision. He said the State Building Inspector is another place where help could be obtained.

Mr. Rosenlund asked if the Board should proceed with a public hearing. It was agreed that if the Building Inspector does not sign a letter then the Board will proceed with the hearing. The Building Inspector, Maurice Gregoire, was present and plans to look into this.

It was agreed that a tentative date would be set up for Mr. Murphy for a public hearing, but as soon as he hears from the Building Inspector on the signing of the letter Mr. Murphy is to contact the secretary and the hearing will be cancelled.

On a Murray/Rotatori motion the Board voted 4-0 to set up a public hearing on June 14, 1984 at 8:30 P.M.

This hearing notice does not have to be advertised in the newspaper. Only the property abutters need to be notified.

At 9:00 P.M. Al Florentz appeared before the Board. He was representing Joyce Godbout of Wee Folk Learning Center, 1178 So. Main St. to discuss the matter of parking at that location. He said Mrs. Godbout would like some input from the Board on this. The area is zoned residential and Florentz said the zoning allows a non-profit organization. Mr. Herr said they would need a charter. A plan was presented for review.

Mr. Herr asked how they decided on 17 parking spaces. Mr. Florentz said the architect did. Mr. Herr asked how many people would be there. Mr. Florentz said they plan to have 50 children and start with five certified teachers and some teacher aides.

Mr. Rosenlund asked what is the question before the Board. Mr. Florentz said the Building Inspector felt the requirements were met. The Planning Board's input was required.

Mr. Herr asked how the children would get there. Mr. Florentz said they are driven there or go by vans. Mr. Rosenlund asked if there is any protection as to traffic. Mr. Herr said no.

The Building Inspector said the only thing he wants to be sure of is if Mrs. Godbout has a charter for a non-profit organization. If it does not come under non-profit, then it has to go before the Zoning Board of Appeals. Mr. Florentz to get more information. No further action was taken.

Howard Wilson appeared before the Board on his request for zoning change from suburban/agricultural to Business-1. This is his second request following a previous public hearing on April 12, 1984 and a Special Town Meeting when it did not pass. Mr. Wilson presented his map plan and explained what was originally done. He also said he had contacted the abutters but then at the hearing they were not for it.

Mr. Wilson said now it comes down to only Hood's Antiques and Bel Air Gardens properties involved in his request for zoning change. He said they purchased the Lussier property which is the building between Hood's and Bel Air Gardens. Mr. Wilson owns Bel Air Gardens.

Mr. Rosenlund told Mr. Wilson he has to do what he did the last time, which is to petition Board of Selectmen.

Mr. Murray asked why a variance wouldn't do. Mr. Wilson said he has a chance to sell and the buyer would like it zoned business. Discussion followed regarding the possibilities of various types of businesses that could go in there.

Mr. Wilson said he would proceed as before.

Following notification by the Board of Selectmen, Mr. Rosenlund said the Planning Board would set up a public hearing. It was agreed that the meeting could be held on July 26, 1984.

Regarding Coachmen's Lodge, Mr. Rosenlund read the letter from the Board of Selectmen on the request for a zoning change.

Attorney William O'Coin of Woonsocket, R. I. representing Coachmen's Lodge presented a map plan showing the area they request to rezone from Residential/Agricultural to Business District B-1. The property involves three parcels of land shown as Lot 61, 62 and 63 located off Wrentham Rd.

They are requesting a special meeting to hold a public hearing in order that their request for zoning change can be on the warrant for Special Town Meeting on June 13, 1984.

Mr. Rosenlund pointed out to Mr. O'Coin that in order to hold a public hearing within the required time the ad must be in the newspaper by May 29, 1984. Mr. O'Coin said he would bring in the notice Friday.

On a Rotatori/Boiteau motion the Board voted 4-0 to hold a public hearing on June 12, 1984 at 7:00 P.M. and advertise in the Woonsocket Call and to cancel said hearing if the ad does not appear on May 29, 1984.

Mr. O'Coin thanked the Board and left at 9:45 P.M. Mr. Rosenlund asked Mr. Herr to draw up a map for the June 13th Town Meeting.

Town Clerk Remillard attended the meeting to inquire about what he feels is a discrepancy in the zoning maps where some of the maps show boundry with high water marks. In a later date the wetlands was removed from the map. Mr. Herr said that the map would remain as it is until the Town votes to change it. He also explained other markings which refer to elevation.

Mr. Rosenlund read a letter from the Water Dept. regarding the Cade Estates. They said the hydrants and water lines have never been inspected and have been tapped without permission. In order to correct this the water mains must be exposed for inspection. There are several houses completed with landscaping. They are inquiring whether the Board has a bond for road construction.

The secretary was requested to reply to the Water Dept. There is no bond but the Board has a covenant. Also to send a copy of the covenant.

Notice regarding Planners Handbook: Mr. Rosenlund referred to Mass. Federation of Planning Boards newsletter giving notice of 25 pages revised to Jan. 1, 1984 which can be inserted in the 1980 edition. The cost is \$3.00 per set. On a Rotatori/Boiteau motion the Board voted 4-0 to order 6 sets of the revised pages for the Planners Handbook.

On a Rotatori/Murray motion the Board voted 4-0 to pay the bills of: \$900.00 to Philip Herr & associates consultant for services from January 1, 1984 through March 31, 1984; \$15.32 reimbursement to Martha Russo for postage, postcards, copies; \$120.00 secretary's salary for month of April; \$120.00 secretary's salary for month of May.

Regarding the EOCD grant program, Mr. Rosenlund reviewed the contract. On a Boiteau/Rotatori motion the Board voted 4-0 to elect Phil Herr as consultant.

Mr. Rosenlund requested the secretary to send a copy of the contract to Town Counsel Ambler for review with a letter indicating that the Board has elected Mr. Herr as its consultant.

A copy of the contract to be sent to David Dronsick of EOCD.

A discussion was held regarding the plans left by Carl Nuissl at the last meeting. The Board reviewed the package containing a letter from Attorney Neil J. Roche to the Board requesting a public hearing be scheduled. Also enclosed was an application for special permit for Helen Hoffman Realty Trust, Carl Nuissl, Trustee, list of abutters, and a \$50.00 check from the attorney's office to cover the estimated cost of advertising.

The Board and Mr. Herr reviewed the plans. It was determined application is for Back Lot Division Section 2580. On a Rotatori/Murray motion the Board voted 4-0 to set up a public hearing for special permit on June 28, 1984 at 8:30 P.M.

Mr. Tropeano requested to be on the agenda on June 14, 1984 at 8:00 P.M. He left two copies of map plans to be discussed.

Morse Realty Corp. has a Form B (Application for approval of Preliminary Plan of Subdivision) and a map plan of a proposed subdivision off So. Main St. being held for review by Mr. Herr.

On a Rotatori/Boiteau motion the Board voted 4-0 to adjourn.

Adjournment at 10:55 P.M.

Respectfully submitted,



Sergio P. Rotatori, Clerk