

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, WA.

Regular Meeting - August 23, 1981

Members present-

Carl R. Rosenlund, Vice Chairman

Joan King

John Murray

Sergio Rotatori

Vice Chairman Carl Rosenlund called the meeting to order at 7:44 PM. Members looked through the mail and the secretary's salary bill of \$76.66 was approved.

PUBLIC MEETING ON SECOND APPLICATION OF CUMBERLAND CONSTRUCTION
FOR EARTH REMOVAL PERMIT

Mr. Rosenlund asked Mr. David Garrigan of Cumberland Construction to come forward to start the Public Meeting.

Mr. Garrigan said he would pay the fee for the meeting later.

The Board questioned whether a fee should be paid. No fees for such a meeting have been set yet. On a John Murray/Sergio Rotatori motion, the Board voted 4-0 to waive any fee charge.

Mr. Garrigan explained that he was representing Cumberland Construction and that they had come before the Zoning Board in December with sketches, for an earth removal permit. The Zoning Board turned down the request stating sufficient information was not available.

Mr. Murray informed Mr. Garrigan that he would need 4 votes from the Planning Board in order to return to the Zoning Board before the 2 year restriction period.

Mr. Rosenlund asked Mr. Garrigan with this knowledge, did he still wanted to proceed.

Mr. Garrigan said yes.

Mr. Herr told the Board that they did not have to vote tonight on this matter.

Mr. Garrigan explained that Cumberland Construction was turned down before because of a lack of information. He said something similar to what he had tonight had been presented, but tonight he felt he had the sufficient amount of information. He said he got a copy of the new by law regarding a special permit for more than 2500 cubic yards of earth removal. He said the Company wanted to clear earth in order to have an access to store refrigerators, mailboxes, washing machines, etc. behind the building.

Mr. Dennis Lomberto, 16 Park St., asked if these products

were stored there normally.

Mr. Rosenlund said that this meeting was to decide whether to waive the 2 year waiting period - to see if there was now more information on the plan sufficient enough to send them back to the Zoning Board.

Mr. Lomberto said he was concerned about the run-off area.

Mr. Garrigan said there would not be more run-off than there is now.

Mr. Rosenlund said that restrictions could not be made now by the Planning Board but could be made at the Zoning Board meeting.

Mr. Herr stated there was more information and now it had to be developed.

Mrs. King asked if there was sufficient information regarding slopes on the plan.

Mr. Herr said yes.

On a Joan King/John Murray motion the Board voted 4-0 (unanimous vote of members present) to waive the 2 year waiting period and allow Cumberland Construction to go back to the Zoning Board.

Mr. Herr suggested the Board make it clear that this vote to reappear before the Zoning Board did not mean approval of the plan but just to waive the 2 year period.

Mr. Rosenlund suggested that Mr. Lomberto attend the Zoning Board Public Hearing on this and voice his concerns.

Mr. Herr said at that meeting also the Planning Board can make recommendations.

Mr. Garrigan thanked the Board and left.

Mr. Rosenlund said he still questioned notifying abutters on a meeting such as this one and why it was not advertised in the paper.

Mr. Herr cited Chapter 48 Section 16 1st paragraph stating a Public Notice was not needed.

Mr. Rosenlund then stated that there were 2 sections of the article on sign regulations. Only one section was posted - the section on dimensions was left out. Therefore, only one article could be acted on at the Special Town Meeting, September 9, 1981. At the Public Hearing with the Finance Committee, it was decided to pass over the article already

submitted until a later date. It was a decision of the Board He said he thought that this one article could be voted on and at a later date submit the other article.

Mr. Rotatori said it would be easier to do both sections at a later date.

Mr. Rosenlund said he did not agree with that. All the work has already been done on this article.

Mrs. King asked if that means another Public Hearing would have to be held.

Mr. Rosenlund said yes and now the June 1st date would have to be changed as it would no longer apply. Any more discussion on this should wait until the Public Hearing. Therefore, the article will be passed over at the Special Town Meeting and changes will have to be made.

Mr. Murray asked about areas already built up. They are already in violation.

Mr. Herr said it would be tough to ask owners to get signs that would comply. For example, there are a lot of signs on Pulaski Blvs. It would be difficult to make them all comply after the article is passed.

Mrs. King stated that this particule article has been discussed again and again and there has been a public hearing with people for and against. Perhaps the Boar- should stop discussing it and wait for the Public Hearing.

Mr. Herr said he agreed that the article should be passed over at the Special Town Meeting. Perhaps more can be done, and maybe the article do not go far enough in restricitons. Maybe the list Mr. Murray read off at the Public Hearing could be given to Mr. Herr and he could take slides of the different signs in town and present it to the Board.

Mr. Rosenlund said he still thought that there may be too many regulations.

Mr. Herr suggested that another Public Hearing be held on signs later in the year in order to have an article on the town warrant for the next Town Meeting.

Mr. Rosenlund then agreed and the discussion was tabled.

Mr. Arthur Kearnan, North Main Street, asked a question about Mr. Clark's Bellingham Plaza project, was it changed from a B-1 to a B-2 zone. And he said he did not get a notice of the Public Hearing on the Special Permit held on September 13, 1979. Was it sent by certified mail?

Mr. Rosenlund explained that letters to abutters concerning Public Hearings are not sent by registered mail because

of the expense.

The Board then discussed the charging of fees for Public Meetings, permits, etc.

Mr. Rosenlund suggested that a Public Hearing should be held before fees are set. On a John Murray/Joan King motion, the Board voted 4-0 to set a Public Hearing for Fees on Thursday, September 24 at 9:00 PM.

Mr. Rosenlund then said that obviously Mr. Clark was not appearing at this meeting. The Building Inspector had come before the Board of Selectmen. The Inspector was directed to Town Counsel. Mr. Rosenlund said that perhaps asking Mr. Clark and Mr. Oakley to appear before the Planning Board may be futile. Perhaps the Board of Selectmen would keep the Planning Board posted as to what is going on.

Mr. Kearnan asked if there were any time limits set to special permits.

Mr. Rosenlund said some sort of action must be taken within 2 years of time. It does not mean the project has to be finished. There is no time limit on completion.

Mr. Kearnan said perhaps the Special Permit could be withdrawn.

Mr. Rosenlund said he thought this would not accomplish anything. He said the Assistant Building Inspector was directed to take action.

Mr. Kearnan said he thought Town Counsel represented Mr. Clark.

Mrs. King said that as a former member of the Finance Committee she thought there is a special fund set-up for the Board of Selectmen for counsel. She also suggested that perhaps there should be personal contact with Mr. Clark between meetings by a member of the Board.

Mr. Rosenlund said he thought sending letters and personal contact would not accomplish much. He asked Mr. Cibley if he, the Planning Board could be informed as to what is being done with the Bellingham Plaza matter.

Mr. Cibley suggested the Planning Board request to be on the August 31 meeting., of the Board of Selectmen to discuss this matter with Mr. Oakley and Mr. Ambler. He said he would leave a note with the secretary.

Mr. Rosenlund directed the secretary to also put the request in writing to the Board of Selectmen.

Mr. Rosenlund suggested that before the Board goes before the

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Selectmen that perhaps they should go down and check on any possible violations at the Plaza.

Mr. Cibley said he thought this had gone on long enough and that the Board of Selectmen would continue to work on it.

Mr. Rosenlund told Mr. Kearnan he thought some definitive actions was being taken and the town officials are concerned.

Mr. Kearnan suggested that perhaps in the future a time limit should be placed on special permits.

Mr. Murray brought up the fact that the Zayre's complex has exceeded the parking regulations and that perhaps the Blackstone Building Inspector should be notified about any future building permits required by this complex. The Board agreed.

The Board then worked on answering "Interrogatories to the Town of Bellingham concerning Center Park Estates from Lee Ambler.

On a Sergio Rotatori / Joan King motion the Board voted 4-0 to adjourn at 10:33 PM.

Respectfully submitted,



Carl R. Rosenlund
Clerk