



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

ANNE M. MORSE, CHAIRMAN
JOHN P. MURRAY, VICE CHAIRMAN
EMILE W. NIEDZWIADK
GLENN E. GERRIOR
EDWARD T. MOORE

MINUTES OF REGULAR MEETING

NOVEMBER 21, 1991

Meeting was called to order at 7:43 p.m. AM, GG and EN were present. EM and JM came in a few minutes later. Board's consultant, Philip B. Herr, was also present.

SUBMISSION

David Montmarquette, Pulaski Blvd., presents an 81-P plan showing that they are moving the property line. They are moving the line 12 1/2 feet to get 15 feet from the pool.

EN notes that the plan shows 15 feet.

D. Montmarquette states that it was originally 180 feet but it was moved over.

EN asks how much it was moved over.

D. Montmarquette explains that it was moved 12.72 feet.

EN notes that he will have 15 feet after it is moved over.

AM questions the zoning.

GG responds it is suburban.

GG makes a motion to sign the 81-P plan. EN seconds motion. Vote of 3 (AM, GG, and EN) to sign plan.

EM and JM join the meeting at 7:45 p.m.

GG asks Mr. Montmarquette where the mylar is.

D. Montmarquette responds that it is at his engineer's office.

GG explains that the Board has to sign the original in order for him to be able to record it at the Registry of Deeds. The Board will be here for at least another hour if he wants to try to get the mylar from his engineer. Otherwise, Mr. Montmarquette will



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have to come back at the next meeting of December 12, 1991.

STALLBROOK CENTER

CERTIFICATE OF RELEASE OF COVENANT AND VACATING OF SUBDIVISION

Clerk explains that the applicant's attorney presented a form for the Board to sign to release the covenant and vacate the subdivision since they had filed an 81-P for the parcel. Clerk gave the document to Town Counsel for his review.

Clerk reads letter from Lee G. Ambler, Town Counsel, dated November 15, 1991, stating that in his opinion there are no objections to the body of the form wherein the intent of the Board is to release the Covenant, and to vacate the Subdivision Plan. However, the title of the Certificate is thereby misleading and should conceivably be modified to read as follows: "Certificate of Release of Covenant and Vacating of Subdivision Plan recorded in Plan Book 389, Plan No. 102 of 1990."

Clerk presents the form for the Board's signature noting that the heading was changed to conform with Town Counsel's wishes.

Members endorse Certificate and Bruce Lord, Esquire notarizes the document.

SHOPPES AT CITY LIGHTS

REQUEST FOR EXTENSION

Clerk explains that Janice Hannert, representative of Howard Fafard, requested an extension of the special permit for Shoppes at City Lights. An extension was prepared and forwarded to Town Counsel for his review.

Clerk reads response from Town Counsel, dated November 15, 1991 relative to the Special Permit extension request for Shoppes at City Lights, Riverview Park Phase VI. In his letter, he suggests that the special permit extension read as follows: "Therefore, the Board voted unanimously that the Special Permit decision filed with the Town Clerk is further extended to November 29, 1992." He notes that the regulation indicates one year from the date after the time the Appeal runs, which is twenty days from the filing. He further states that paragraph 5 of the Special Permit Decision indicates that the Special Permit shall not be



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effective until the applicant documents having recorded with the Registry of Deeds an instrument stating that he waives the provisions of the Massachusetts General laws, Chapter 40A, Section 6. There is no indication that said documentation has been recorded. It is the opinion of his office that the verification should be obtained. Without it, the Board would be extending a Special Permit which is not as yet effective anyway, unless there has been some compliance.

Bruce Lord, Esquire, on behalf of Mr. Fafard, presents a copy of the first page of the Special Permit Decision which shows that it was recorded at the Registry of Deeds.

AM suggests that the Board wait until next time to give Mr. Lord the opportunity to bring in a document to show that the applicant complied with the Special Permit Decision.

B. Lord will bring the document in next time.

BROOK ESTATES GENERAL DISCUSSION

AM notes that the public hearing for Brook Estates has been continued to December 12, 1991. She asks if P. Herr will be able to attend.

P. Herr can not attend the December 12, 1991 Planning Board meeting since he has other commitments. There is a lot to do on Brook Estates as far as he is concerned. He conveyed a list of things to be done but has not heard back. Guerriere and Halnon are the engineers.

EM asks if there is anyway that the Board can obtain a fee for extending a special permit. He is thinking about something which would be nowhere near the original fee but would be reflective of the time involved. It always takes a half hour.

P. Herr responds that it could be done.

EM asks if it can be done as a rule.

P. Herr responds that it can be done.



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MAPLE STREET REZONING

INFORMATIONAL DISCUSSION WITH PROPERTY OWNERS

AM explains that there is no article on the warrant and this is not a public hearing. The Board is not rezoning anything tonight. That would have to be done at Town Meeting. This is just an informational discussion. She asks if P. Herr has maps to show the Board and residents.

P. Herr does have maps which he will pull out. He explains that a controversy regarding developing property in the vicinity which they are now talking about caused the Planning Board to look at whether the boundary between suburban and industrial districts made sense. It has been the same for many years. Many of the lots have one part in one district and part in the other district. There is concern relative to the part in the residential area. The configuration invites change of the kind which can be damaging to homes. There is concern the town wants to see the long term intent allowing businesses around Maple Street continue. The Board got the notion to invite people to come in and explore what would make sense for changes which could be made to please the people who own the property. This way a discussion could be held between the people who live near the property and the town as a whole. Nobody is rushing to Town Meeting to file an article relative to this. There is no expectation that this will be an adversary process.

AM explains that this does not effect anyone who did not get a notice. Only those who received a letter from the Board are effected.

EM asks how many parcels are involved.

B. Lord responds that there are 15 parcels.

Clerk sent out 15 letters.

EM notes that most people are split zoned.

B. Lord states that the west side is adjusting the zoning line and the lot line. The east side has a different situation.

EM states that everybody who has a lot involved would want it explained whether it hurts them or not.



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P. Herr refers to the area of lot A1, south of Pine Street, which had an issue which triggered this. Those are split lots.

EM asks if A1 is now industrial.

P. Herr responds that it is.

EM asks if that is all or part. A1 and B1 are industrial now. The proposal is to make them suburban.

B. Lord states that the proposal is just for A1.

P. Herr notes that it makes sense to join them and make it totally suburban.

EM asks what A3 is.

P. Herr responds that A3 has a piece on Maple Street and a piece on one lot. That piece is zoned suburban. The majority of A3 is zoned industrial.

EM asks if he is referring to the little triangle.

P. Herr affirms that is what he is talking about.

B. Lord indicates that is the vacant lot.

EM states that the house was torn down. There are woods in between the house and the parking lot for Ma Glockner's Restaurant.

P. Herr states that if B2 is changed to suburban, then A3 should also be changed. A3 should be made the same as the rest of the line. A3 is presently zoned suburban.

JM is having a hard time following this.

B. Lord explains that the area behind the industrial may be attached to the next lot. Sometimes it may be reasonable to have a buffer zone for the industrial frontage. If the front is suburban, it makes sense for the back of the lot to be as well.

P. Herr thinks they should hear reactions from people in A1.



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Ernie Hiltz, has a shop in A1. He is self-employed and has a shop there. Changing his zoning to suburban will hinder him a great deal. He would like to see it stay industrial. If in the future, he decides to expand, it will be less aggravation for him.

EM states that a variance was given for a house there.

Bob Roth responds that is Mr. Hiltz's daughter's land. He is her husband. They wanted to put a house in there.

EM indicates there is no way they could have built a house on industrial land without a variance. He asks if the house will be at the point where they cut trees.

B. Roth indicates that is correct.

Norm McLinden, directly abutts A1. Last spring they had the worst case scenario on what could happen on industrial land when someone wanted to put a junkyard in. There is no buffer zone - nothing.

E. Hiltz states that there is a 100' buffer zone between residential and industrial.

EM states that is not between zones. That means if anything industrial goes in.

Robert Hiltz explains that the town would be taking away one man's profitability. He lives on the property with his father. They have no current plans to expand but they may in the future. It would limit their business.

N. McLinden asks if they could change it to a business zone instead of an industrial zone.

AM asks what kind of shop the Hiltz's have.

E. Hiltz responds that it is a welding shop.

AM does not think that is something which could go in a business zone.

E. Hiltz assures Mr. McLinden that no junkyard will be going in



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should square off the lots to make them all the same zone. He does not know why someone would want the back of their lot zoned something else. It is spot zoned now.

EN thinks they would be creating a problem with B2 if they changed the back of the lots.

AM thinks it would be a better advantage to a buffer zone.

P. Herr states that the 100' separation between where an industrial facility is put gets measured from the zone line. People on the property line want assurance it will be kept away from them. Now the property owners could decide to sell the back corners of their lots to make a few bucks. It is not a major concern from the town's point of view. If he lived there, he would want the whole lot in a suburban district. It would reduce the industrial potential and move the buffer zone.

GG states that A2 is a beneficial change. A2, A3 and A1 sound like good changes. They should leave the Hiltz's property the way it is and change the three remaining lots.

AM asks if any of the A2 parcel owners are here.

Salvatore Pilla responds that he is an A2 parcel owner.

EM states they will correct the boundary line.

AM asks if anyone else from A2 is present.

P. Herr explains that one of the motivations for this came from people who live on Maple Street. He asks if any of those people are here.

Steve Racicot lives further away on Maple Street, but has friends who he is representing who live there. They are looking for a buffer. They know the area south of Pine Street will eventually develop industrial. They want a decent buffer to protect their home values. They would like to see B1 and B2 rezoned. B2 refers to the power line area. The people who live near Somerville Lumber have a lot of problems and complaints. They wish they had a bigger buffer zone. They wish it was further back.



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JM asks how far back Somerville Lumber is.

P. Herr states that Mr. Racicot is saying it should have been further back.

JM can appreciate what S. Racicot is saying but the Board does not know that people are unhappy.

B. Lord states that lot 11 and lot 6 have a depth of 600+ feet. The lots at Somerville Lumber's location have 200+ depth. Any development in the area of these parcels will be a considerable distance from the houses. The houses are to the rear of the property not on the street. This is not the same situation as Somerville Lumber.

EN states there is some concern relative to A2, but there will not be for the other areas.

P. Herr states it will be a long time before the rear of the development is divided into two districts. The access will be different.

EM states that they can not wait until they have a proposal before them. It will be too late to change the zoning. For anyone who owns a little lot, it would be better to rezone so they are all zoned the same.

EN asks if A2 is small.

B. Lord responds that it is not small, it is long. The depth is double the distance to get to the lot line.

S. Racicot points out that A1 and B1 abutt the Franklin industrial land. If it is left industrial, a road can be put in which would mean that Franklin industrial property can be accessed from Maple Street in Bellingham. Franklin would get the tax base and Bellingham would get the traffic and headaches. That is another reason why they would like to see it rezoned to suburban and agricultural rather than industrial.

P. Herr states that if somebody put a road in, the zoning district would be irrelevant. The driveway in would be relevant. One month ago someone came in with an easement off Maple Street to access industrial land in Franklin. Bellingham will get the



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traffic.

EM states that was Tindel's old place.

S. Racicot thinks there would be less development with houses.

AM explains that the Board is not talking about B1 or B2 for tonight. They did not notify the property owners of B1 or B2 to come tonight.

S. Racicot suggests they rezone to the power easement at A1.

AM states that would be taking in part of B2.

B. Lord points out they would be wasting all the back of the land which would leave them with no access.

P. Herr refers to suburban acreage on Maple Street. By rezoning the front part of the parcels, it would deprive some owners of the back part of their property.

S. Racicot states that it would be possible to leave a 50' right of way.

P. Herr states there are 3 parcels in A1. No owners are here. Rezoning to suburban makes sense. The triangle at A3 can be rationalized. The owner is represented. They can extend the industrial a certain amount. They can support the back ends of the A2 lots. That is all they wanted to talk about tonight.

R. Hiltz reaffirms that they want their property to remain industrially zoned.

AM and GG states that the Board will not touch their property. There are 3 lots in the extreme corner for which it may be advantageous to rezone. It protects the people in those 3 lots. 100' from that line would be the buffer zone.

AM states that the Board will omit the Hiltz's portion of A1.

EM states that the first house near Fafard's property would be benefiting Fafard who owns industrial.

B. Lord states that the lot is already industrial and can be



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accessed through industrial.

EM states they would be moving the buffer closer to the house.

B. Lord does not think it would be significant.

P. Herr explains that B. Lord is representing the topography of the lot in a most reasonable way in the northern portion. Use of the lot relies on access from the south and west.

B. Lord states that the lot has 280' frontage with 3.4 acres. The area rezoned for 20,000 square feet would provide them with reasonable frontage. It is reasonable for the Town of Bellingham. The lot can be developed if the landowners have the same zoning for the 3.4 acres. Putting all in an industrial zone would be a reasonable use of the property.

EM states it would make it easier for them to develop. That does not mean that the neighborhood wants it that way.

B. Lord states that they have enough frontage now. Now they have a suburban front with industrial in the back. He is suggesting that they zone it all industrial.

EM states that is not the same. They are looking at a way to protect the people who have been there for 40 years. B. Lord is talking about letting the unknown get closer and bigger.

B. Lord thinks it is a minor change.

AM states it is a half an acre.

GG indicates it is 20,000 square feet.

P. Herr states they can imagine that a Town Meeting would take A2 and rezone it to suburban. The lot would be divided in an arbitrary line in one corner. If they end up in court regarding the issue, the judge will ask them how they determined the arbitrary line.

EM thinks it is the right thing to do for the people who live there.

P. Herr states that would not explain how the line was drawn that



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way. All of the lots would be different other than the one they are talking about now.

EM asks about the house on the adjacent lot.

B. Lord states that it burned down.

P. Herr asks about the lot north of the triangle.

B. Lord states that is the Barnett property. He assumes the house is still there.

S. Pilla states that the house is there.

B. Lord explains that rezoning would affect the industrial land considerably. They would be losing a considerable amount of buildable land. They would be moving the buffer lines. Industrial zoning affects what they are doing. The Board would not be doing much by giving back the corner.

S. Racicot asks what might be there which would be better than what is there now.

EM states that a bigger lot means bigger industrial.

B. Lord explains it is more rationale for reasonable use. He does not think that the triangle means alot. They would build away from the road anyway.

S. Pilla states that Mr. Barnett is working and was not able to attend tonight's meeting.

AM thinks that Mr. Barnett is the one who should answer that question.

B. Lord states they are not complaining about the rezoning from industrial.

EM states that is because they are not losing anything.

B. Lord responds that they are losing their setback.

EM states that zones should be done with the lot lines.



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B. Lord agrees and that is why they should rezone A3.

EM thinks that A3 is the exception.

AM states that the real question has to do with A3. She wishes that Mr. Barnett were here.

GG states that Mr. Barnett would be a fool if he wanted to change the zoning of his parcel.

JM does not think that it affects Mr. Fafard's property much.

B. Lord states that the impact on the industrial is greater than the suburban with the A2 part. Mr. Fafard has land behind what is being rezoned. It is not asking much to give him the frontage.

JM states that the buffer zone starts at the rear of people's property.

B. Lord states that they may be taking away the only buildable lots in Phase 1 because of the rezoning. The impact would be considerable. They would be economically impacting the landowner heavily. The rationale which they are using to rezone to suburban should be the same rationale to square off the lot lines for industrial.

EM states that they could say at the Town Meeting that the little piece is a separate thing so it will not kill A2.

B. Lord points out that they would be killing it by making it a separate situation. They are not being fair with this particular landowner.

EN will concede to the argument if the small triangle is rezoned.

EM understands but does not own the parcel they are talking about.

B. Lord reaffirms that they would be killing it by making it a separate issue.

JM thinks it would be nice to hear from the landowner in the back of the lot.



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B. Lord suggests they put it altogether in one article. The landowner can come in and make his comments. He asks that they do not treat the parcel different from the others.

S. Racicot states they could keep the Hiltz's property in A1 industrial and change the other 3 to suburban to the rear of the lot lines. B. Lord is saying they should leave the others half in industrial to protect the industrial landowner.

B. Lord states that is not true. All of the lines go to the lot lines. He is asking that the triangle not be treated different from the others.

JM thinks that B. Lord has a good case.

EM states that the zoning lines should go with the lot lines but they can leave the little house.

EN states they should keep the industrial back.

GG thinks they should bring it to a public hearing and explain that the Board is trying to fine tune the zoning map.

EM makes a motion that the Board advertise and hold a public hearing to rezone A2 and A3 as shown with any changes at the public hearing. A1 has 4 lots which would be squared off at the line line and any other little lots not zoned at the lot line.

B. Lord states that is lot 55A, the back of 53, 49 in its entirety and lot 56 in the rear.

GG seconds EM's motion. Unanimous vote of 5 to advertise and hold a public hearing.

P. Herr will put together a notice of public hearing with a clearer map.

EM asks if he could bring in a big colored map.

AM states that the Board will notify the property owners of the public hearing.

David Montmarquette presents mylar for his 81-P for the Board's signature.



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Members sign plan.

Mr. Montmarquette presents \$10.00 fee.

GENERAL DISCUSSION

S. Racicot asks if anyone came before the Board relative to Stone Street. He states that they cut all the trees since they want to make a contractor's yard.

AM asks if it is existing as a contractor's yard.

S. Racicot responds that it is not.

AM asks what the zone is.

S. Racicot states that the neighbor's called because of flooding.

B. Lord responds that the zoning is agricultural.

EM states that they leveled all the trees on the Hiltz' property.

S. Racicot states that they did not take anything in the right of way.

AM refers to the Mobil Station where they want to sell Dunkin Donuts. There is no seating, but they want to hang a sign.

P. Herr does not think that the Board can stop them.

EM states that a driveup window would be a problem.

P. Herr refers to the Cogeneration ground water report which was given to him at the start of the meeting by the Board's Clerk. It was given to the Planning Board because the Board insisted on it in the special permit for the Cogeneration Plant. The Board should keep it so when they retest the ground water, they can refer back to this document and see the difference between the baseline study and the new line. The Board should have a system for keeping track of all the books which are presented by various developers.

Clerk explains that the larger books are kept in the cellar of the Town Hall because they will not fit in with the files.



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EM states that the files should indicate which books are in the Town Hall cellar and in which file cabinets.

P. Herr asks about the plans.

Clerk responds that the plans were previously all over the floor of the Town Hall cellar. Clerk labeled them and placed them in boxes on the file cabinets because they were becoming full of mildew and getting ruined on the floor.

P. Herr states that the Board should be the keeper of the plans. They should talk with the Finance Committee about coming up with some money so the plans can be kept where they will not get ruined. It could be some kind of mechanical retrieval device or a form filing index.

B. Lord states that the large classroom in the Center School is vacant. He suggests that the Board discuss using that space for the storage of Planning Board files and plans. He suggests that the issue be addressed to Denis Fraine.

EN makes a motion to accept the minutes of September 26, 1991. GG seconds motion. Unanimous vote of 5.

EN makes a motion to accept the minutes of October 10, 1991. GG seconds motion. Unanimous vote of 5.

EN makes a motion to accept the minutes of November 14, 1991 after Clerk corrects the spelling of Marlex and the header. GG seconds motion. Unanimous vote of 5.

EN makes a motion to accept the minutes of May 9, 1991. GG seconds motion. Unanimous vote of 5.

EM refers to the variety store on North Main Street near Sawyer's driveway. He asks about the connection to Herthal Estates.

B. Lord states they may be using the access to go up the hill. He does not know. He can discuss it with the two landowners from Herthal Estates. Herthal sold the frontage. It is not owned by them.

BROOK ESTATES

DISCUSSION RE: DEVELOPMENT PLAN REVIEW



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P. Herr has been going back and forth with Dave McCready from Marlex Realty Trust and their engineer from Guerriere and Halnon. He considers the plan to have a list of minor deficiencies. The drawings are not o'kay the way they are. He has gone through the list with them. They assured him it will be corrected. He will speak with someone from Marlex before the December 12, 1991 meeting. The substantive issue is the need to provide documentation of having clear rights of access to get through.

EM thought that Goguen had proven that he had access.

P. Herr asked their engineer to provide documentation.

PORTABLE SIGNS DISCUSSION

P. Herr distributes a handout. The FDIC is taking over the plaza. They have a series of ideas regarding its reuse. All they are doing right now is setting a value.

EN thinks that if they changed the access around, they could do something.

B. Lord states that there are severe drainage problems because there are no drains on Mill Street.

EM states that they filled in the basin and stream where the water used to go.

P. Herr refers to his handout. He indicates that they can not have a portable sign within 10' of the street line.

GG does not think they can limit the time they can be there because of the permanent signs.

P. Herr thought it made sense to restrict where they can be located.

EM states that in order for a business to put up a sign, they have to obtain a permit and pay a fee. The town could get a fee for temporary signs also.

P. Herr does not know if they can do that.



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AM states that maybe the Building Inspector should be here to discuss this.

P. Herr thinks that he should be.

B. Lord refers to Section 3126. He thinks it should say temporary or portable signs.

P. Herr states that the definition of temporary signs includes portable.

EN does not think that includes temporary.

P. Herr points out by definition they are the same.

AM questions whether they can have a fee on a sign like this.

B. Lord states there may be a question on temporary signs but not on portable. They could have 28 - 48 hour periods with no fee.

EM states that every real estate broker does not have to run in and pay a fee.

p. Herr states that the usual way to deal with real estate signs is to have a generic permit with a generic fee.

GG indicates that portable signs are getting permanent.

AM thinks they could have a fee for a certain size which would discourage some people.

GG thinks a temporary sign should be for 10 days maximum.

EM agrees on the time frame.

GG refers to Denny's liquor where there has been a portable sign since they opened.

P. Herr states the issue is the amount of time. How many days in a row and how many times a year? Illuminated changeable signs are better signs. The piece he handed out last month dealt with the first amendment law. They can not treat anyone differently.

GG thinks that 7 days is fine.



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P. Herr states that the permanent sign permit would be for 8 - 10'. The limit for yellow things with moveable letters would be 7 - 10 days. The same rule would apply to church signs on wood. They should all be treated the same.

GG thinks that one month would be better.

P. Herr indicates that the time period should be tied to the functional need for the sign. There should be an absolute limit.

EN asks if one would need a permit.

P. Herr states that if the Board is serious, they can require a permit.

EN thinks the permit could be for the date of sale.

B. Lord reads the temporary sign definition. If one changes the message on the sign, they would be altering it.

P. Herr states that if they decide to have a permit, they should have a fee. They can not enforce it unless there is a permit system. Someone will have to document when the sign goes up. It could be photographed at the beginning and end.

GG can not support a fee, but he does not want to see portable signs become permanent.

P. Herr explains that a painter would come in one time and move his sign around town.

B. Lord asks why they would charge a fee.

AM notes that it does involve time on the Building Inspector's part.

P. Herr explains that it would be lousy to get people to comply. The Building Inspectors do not want to comply. It will not work unless there is an enforcement mechanism. They would have to document when the sign went up.

GG states that the mechanism could be that someone could call the Building Inspector and he could go out and monitor. Portable sign 3 X 5 and bigger could be limited to 3 weeks.



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P. Herr states that the response to the complaint problem would be to file suit. They may take the sign down, but then it would be back up.

EN states that the Planning Board put in a law for signs relative to candidates. They could not do anything about it before. It all came about when the Bylaw went on the books. They changed political signs to a limit of a 30 day period. They have to be taken down quickly. They do not want to put people out of business. He refers to the trailer at NHD where they should take down the small cart.

GG states that the Iaco Wagon was given a permit by the Selectmen. They have no room to sit in there and there is no toilet.

AM thinks that they should discuss this with the Building Inspector.

P. Herr suggests they give him a copy of this handout and note that the key question has to do with permits. There is nothing in the zoning Bylaw regarding which signs require permits.

Clerk reads letter from John Emidy, Building Inspector, dated November 18, 1991, wherein he states that he feels that some of the sections of the Bylaw could be changed to better meet the needs of the people of Bellingham, including Section 4110, Home Occupancy, Article V, Yard - Setbacks for Storage Sheds, Section 4600 Earth Removal Regulations. He would be happy to meet with the Board to discuss these proposals.

AM instructs Clerk to send the Building Inspector a copy of the portable signs handout and ask him for suggestions.

JM thinks that the town sign law works.

P. Herr distributes a handout relative to Zoning Technical Review. He refers to changes relative to earth removal. He added language relative to applicability. He made changes at the top of the second page to state "or other party designated by the Planning Board." The area in the dark is agricultural. Everything else is residential.

EN asks what would happen to the New England Country Club land if



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they went bankrupt.

EM states that 5 lots are in two different zones.

B. Lord states that lot 32 is 7 acres and is part of the Conservation Commission land.

GG states that is the Palmer house.

EN states that it would revert back to the original zoning.

EM notes that when it is rezoned, it is rezoned.

EN believes if one lost the rights for zoning, it would revert back.

B. Lord suggests they instruct somebody to review the covenant.

EN thinks they received a lot of concessions to act as a golf course.

B. Lord thinks they should instruct somebody to come up with a reactionary plan if the parcel winds up in Bankruptcy Court.

EN states that the Board assured the people that affordable housing would never happen there.

B. Lord suggests they prepare now. The town should have a plan in place so they can know their rights before something happens particularly if the parcel goes bankrupt. The Bankruptcy Court may have the right to throw out the covenant. Bankruptcy Court has the right to negate agreements. There are things the town can do to protect themselves. There are things the town could do relative to Crestview Commons. It could be torn down.

GG makes a motion to hold the Maple Street Rezoning public hearing on January 23, 1992. EM seconds motion. Unanimous vote of 5.

B. Lord explains that if the Board holds their own public hearing now, they will have to submit the article request to the Board of Selectmen and hold another public hearing.

GG withdraws his motion. He moves that the Board discuss the



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Maple Street Rezoning at the meeting of January 23, 1992 and then the Board will forward it to the Board of Selectmen for placement on the warrant for the Annual Town Meeting.

GG makes a motion to close the meeting at 10:25 p.m. EN seconds motion. Unanimous vote of 5.

Anne M. Morse

Anne M. Morse, Chairman

John P. Murray, Vice Chairman

Emile W. Niedzwiedz

Emile W. Niedzwiedz

Glenn E. Gerrion

Glenn E. Gerrion

Edward T. Moore

Edward T. Moore