

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

**WILLIAM M. WOZNIAK, CHAIRMAN
PAUL CHUPA
EDWARD T. MOORE
ANNE M. MORSE**

MINUTES OF REGULAR MEETING

JANUARY 8, 1998

Meeting commenced at 7:10 p.m. All members were present. Board Member Roland R. Laprade has resigned effective January 1, 1998. Alternate Member Richard Dill is also present. Minutes recorded by Planning Coordinator Valerie DeAngelis.

The Hixon Farms bond reduction request which was scheduled for this evening is canceled and will be rescheduled at a later date.

81-P SUBMISSION

William Halsing, Land Planning, submits an 81-P for the Shreffler Family Trust for property located at S. Main St. and Mechanic Street. The applicant purchased the lot next door to the Adult Day Center which they also own and want to join the two lots together. In response to Mr. Dill's question relative to the location of the aquatic center, Mr. Halsing points out the location on the plan. WW asks who owns the little piece to which Mr. Halsing responds it is a separate parcel owned by the neighbor. AM moves to approve, seconded by P. Herr, carried with a vote of 3 (WW, AM and PC). EM not present for vote. Board members endorse plans and Mr. Halsing pays the \$10.00 fee. EM joins meeting.

DISCUSSION RE: PLANNING BOARD MEMBER VACANCY

As a result of Roland LaPrade's resignation as a member of the Planning Board, WW attended the Board of Selectmen's meeting on Monday night to discuss the joint appointment to fill the vacancy with Alternate Member Richard Dill. Selectmen voted in favor of appointing Mr. Dill with the understanding that the Planning Board formally vote and notify the Board of Selectmen in writing. WW explained to the Selectmen that although the Board did not formally vote because R. LaPrade resigned after the last meeting, he did canvas Board members who were in agreement with the Alternate Member's appointment to fill the vacancy until the May 1998 Town

Election. AM moves to appoint Richard Dill to fill the Planning Board vacancy created by Roland LaPrade's resignation, seconded by EM, carried with a unanimous vote of 4 (WW, AM, PC and EM).

AM questions whether the Alternate position should be filled now since R. Dill's appointment has created a vacancy in the Alternate seat. V. DeAngelis explains that Denis Fraine suggested that the Board may want to leave the Alternate seat vacant until the Annual Town Election. If Mr. Dill chooses to run for Mr. LaPrade's seat which is up for re-election in May of 1998 and he does not get elected, he will still be able to keep his Alternate Member seat. However, if the Board fills the Alternate seat now, Mr. Dill will not be able to regain his position in the event he does not get elected. Mr. Dill's Alternate seat is up for reappointment in July 1998 so it would only be vacant until then anyway. WW notes that D. Fraine explained to the Selectmen that the Alternate position would be left open until the town election. R. Dill notes that in all the time he has served as Alternate Member to the Board, he has only sat on one matter. Members agree to leave the Alternate Planning Board member position vacant for the time being. V. DeAngelis to forward letter of appointment to both the Board of Selectmen and the Town Clerk. Mr. Dill to go to the Town Clerk's office to get sworn in after the letter is sent. Board members do not believe that Mr. Dill's signature must be re-recorded at the Registry of Deeds because it was already recorded as Alternate Member to the Planning Board.

GENERAL BUSINESS AND CORRESPONDENCE

V. DeAngelis advises members the Special Town Meeting will be held on February 4, 1998 at 7:30 p.m. in the High School Gym. Deputy Fire Chief Thomas Guerin thought the meeting was scheduled for another date but V. DeAngelis notes Board of Selectmen Administrative Assistant Richard phoned to say that the first notice should be disregarded since the Special Town Meeting had been rescheduled. T. Guerin indicates the possibility of installing a field house at the new high school is one of the items on for consideration at the Special Town Meeting.

V. DeAngelis received a phone call from a firm representing Hoyt's Cinema. They have changed the sign and want approval. Apparently, the developer of the Charles River Center is not ready to put up the permanent sign at the entrance so they want permission to install a temporary sign for Hoyt's. Also, they have changed the lettering on the building. The developer, Robert Frazier indicated to the Board at the last meeting that there would be no lettering on the building. V. DeAngelis explained that the Planning Board only reviewed the location of the sign. The developer received a variance from the Zoning Board of Appeals for the size of the sign. WW notes the sign maximum amount was to encompass all signs including signs on the building. Questions referred to Building Inspector Stuart LeClaire.

Board members review photos taken of a Rawson Farms driveway after rain, sent by resident Ann Dagostino. Members comment that the puddling is no worse than any other street in Bellingham. AM suggests sending the photos to DPW Director Donald DiMartino since he is the one who notified the Board about the problem with puddling at the end of driveways in the Rawson Farms Definitive Subdivision. The Board is retaining a \$6,000 bond based on his recommendation that

the driveway puddling be repaired. A letter was sent to developer Alexander Capital with a Form J to be completed and forwarded to the DPW if the applicant wishes to apply for release of his road bond. No response has been received at this point. The street lights have still not been installed.

The Board received a letter from Rich Gianattasio, Northboro, MA, dated December 24, 1997 relative to a recent petition submitted to the Federal Communications Commission (FCC), by the Cellular Telecommunication Industry Association (CTIA) which may soon receive a federal preemption over local siting and zoning moratoria regulations for cellular communications towers. As a result of a multi-million dollar lobbying organization, the CTIA has already convinced the FCC to preempt any state and local regulation for tower siting based on health, RF emissions and the environment. Now they are close to convincing the FCC to approve a preemption which will destroy the right to local zoning and land use. Mr. Gianattasio further notes the Attorney General of Vermont is wholly committed to challenging the upcoming FCC preemption so he requests the Planning Board write on behalf of our town to the Attorney General for Massachusetts and urge his office to join the Vermont Attorney General to fight to keep local zoning rights with respect to cellular communications towers, at the local level.

V. DeAngelis reads the sample letter addressed to the Office of the Attorney General for the Commonwealth of Massachusetts, Subject: Participation in "State's Rights" Suit which Board members agree to send on Bellingham Planning Board letterhead. A copy of this request with accompanying sample letter to be forwarded to Denis Fraine for his information.

Members sign pay voucher for V. DeAngelis. PC moves to change the frequency for Planning Board stipend payments to quarterly from semi-annually, seconded by AM, carried with a unanimous vote of 4 (WW, AM, PC and EM). V. DeAngelis to forward letter to Town Treasurer informing her of the change.

CHARLES RIVER CENTER REVISED PLAN

Members review the Charles River Center plan with a last revision date of January 6, 1998 with a letter requesting the Board endorse the vellums based on the July 2 Planning Board approval of the site plan realignments with conditions. A complete set of plans have also been sent to P. Herr, Building Inspector Stuart LeClaire and George Holmes for the Conservation Commission. Members refuse to sign the plans until we receive notification from Consultant P. Herr that the plans are in compliance with the Board's requirements. Members also note that although Mr. Frazier indicated at our last meeting that the vellums were previously sent after the July 2, 1998 meeting, they were not really ready as indicated by the January 6, 1998 revision date.

Deputy Fire Chief advises the Board the Hoyt's Cinema wants to open by February 13, 1998. All the foundations are already in for all the buildings. Board members discuss that this is the type of situation they were talking about at the last meeting. The applicant does not even have a signed plan but already has all the foundations in even though the Maple Street improvements have not

been completed. According to Town Counsel, the town has no assurance that the work will be done and a municipal lien will not protect the town.

V. DeAngelis relays that Town Administrator Denis Fraine suggested that the Board use leverage when reviewing developments such as this. The Board could refrain from signing or granting approval for one development when the developer has not completed what he was supposed to do for another development. D. Fraine has asked Building Inspector Stuart LeClaire to come to the Planning Board's next meeting on January 22, 1998 to discuss issues such as this.

Deputy Fire Chief T. Guerin advises members an inspectors meeting will be held on the 3rd Wednesday of every month to get together to review plans. EM suggests a Planning Board member may want to attend that meeting to discuss issues of how buildings are going up without approval from the Planning Board. Board members wonder what Mr. LeClaire is basing his inspections on at the Charles River Center since we do not have signed approved plans. EM suggests it would be better to address these questions during the Inspector's meeting rather than during a public meeting. He does not want anyone to think the Board does not believe the Building Inspector is doing his job. He believes there is history that the Building Inspector is being pressured by other officers in town. T. Guerin will advise V. DeAngelis when the meeting will be held so a Planning Board member can attend. An additional fee of \$50,000 is owed to the Building Inspector in Charles River Center building fees. EM notes the Board of Selectmen waived the fee in lieu of Maple Street improvements but the Town could have had both. V. DeAngelis to schedule time for the Building Inspector on our January 22, 1998 agenda - discussion scheduled for 7:00 p.m.

CONTINUED GENERAL BUSINESS

EM states that since the Board has not closed the public hearing for Weston Estates, the draft decision prepared by P. Herr is not to be sent to Town Counsel.

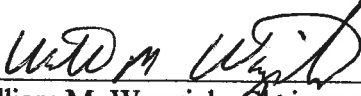
V. DeAngelis to send letter to Building Inspector with a copy of the Chestnut Hill Condominium special permit decision asking that he insure it is being built according to what was approved by the Board. Apparently, the property was purchased by someone else.

T. Guerin notes that a mirror was put up at the Crossroads Center to enable vehicles to see around the corner.

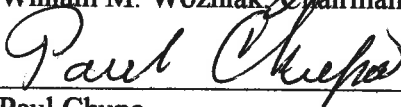
Discussion relative to Master Plan Implementation. V. DeAngelis suggests the Board come up with a plan for initiating implementation of the Master Plan. There are a number of issues which the Board could act on for the forthcoming Annual Town Meeting. EM does not think the Master Plan will get implemented. He feels it is a waste of time and money. In response to EM's request to identify issues which should be acted on this year, V. DeAngelis responds areas include seeking assisted living zoning and developing flexible residential zoning to keep developers from building detached single family dwellings under rules designed for townhouses. The Master Plan

Steering Committee will be attending our next meeting on January 22, 1998 for further discussion relative to finalization and adoption of the Master Plan and implementation.

AM moves to adjourn at 9:05 p.m., seconded by PC, carried with a unanimous vote of 4. (WW, AM, PC, and EM).

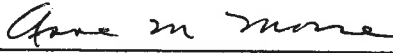


William M. Wozniak, Chairman



Paul Chupa

Edward T. Moore



Anne M. Morse