



BELLINGHAM PLANNING BOARD

5 COMMON STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 966-0991; FAX (508) 966-2317
PlanningBoard@bellinghamma.org

September 9, 2004 Meeting Minutes

- **Present at the meeting:**

Roland R. Laprade (RRL), Chair
Edward W. Guzowski, (EWG), Vice Chair (Not Present)
Thomas J. Guerin (TJG), Secretary
Brian J. Sutherland (BJS)
Arthur P. MacNeil (APM) (Not Present)
Glenn C. Wocjik (GCW), Alternate

Other officials: Stacey J. Wetstein, (SJW) Town Planner
Amy Cook, (AC), Commission on Disabilities (Not Present)

General Business:

RRL: Opened meeting at 7:05 pm.

BJS: Motion to sign the minutes for August 26, 2004 as amended.

TJG: Second.

Vote: 3-0, Approved.

BJS: Motion to sign the vouchers.

TJG: Second.

Vote: 3-0, Approved

Maddie Way Follow-up discussion

SJW reported there has been no response from the developer, William Eagon. She had given him deadline to respond of seven days after receipt of notification. Receipt was signed and dated August 30, 2004.

TJG: Motion to take bond to complete work on Maddie Way.

BJS: Second.

VOTE: 3-0, Approved.

Water Resource District Special Permit Signing – Conroy Development.

Discussion on signing procedure, EWG will sign on Friday morning, 9/10/04.

RRL: Motion to sign Special Permit, Dated August 26, 2004.

TJG: Second.

Vote: 3-0, Approved.

Jolicoeur, 81-P Lake Street

Al Florentz, Andrew Survey, proposed to divide four existing buildings on one lot in to four separate lots, each with separate water connections, septic and leaching fields.

SJW relayed opinion of Attorney Gerry Moody of Milford; Town counsel, Lee Ambler, had conflict and could not make recommendation. Attorney Moody referenced MGL subdivision definition 81L, which would allow for the subdivision of 3 of the 4 buildings constructed prior to 1956. Under this definition, Lot 4 on the proposed plan would not fall into the 81L category as it was built after 1956. This 4th house could be combined with Lot 1 or Lot 3 creating three non-conforming lots.

Atty. Henry Lane stated client was under impression that the house was built before 1966. They'll redo the plan and re-submit.

Planning Board Zoning Hearing:

BJS: Motion to waive reading of public notice.

TJG: Second.

Vote: 3-0, Approved.

Depot Street Rezoning, Article 3

Paul Van Helden proposed Article to rezone parcel from Industrial to Agricultural. Presented argument that present zoning is not in accordance with Town's master plan and that zoning of parcel should be reexamined. Sited 1995 build-out analysis that business and industrial zones were more extensive than town can service. Supporters suggested the town would benefit from development of housing in an agricultural zone and that this was more in line with the Town's Master Plan and sited legal decisions they believed supported their argument. The supporters of this article had not spoken to the property owners concerning this matter.

Board discussed the pros and cons of argument. Traffic, noise, safety and revenue generation were among the issues. TJG asked if the proponents of article were aware that the owner had filed for a preliminary industrial subdivision. They were not. RRL explained to the proponents that, by law, the owners would have 8 years to develop the

land within the current zoning regulations and that their Article may have stimulated the owners to develop something now in haste, rather than later, contradicting what the proponents are attempting to achieve.

Supporters expressed their concerns and frustrations with the increased noise and traffic. Attorney Smith addressed the Board on behalf of the property owners. He reiterated what the Board had already discussed. With an aerial map, showed that the tract of developable land in this area was approximately 60 acres and that what the Article was proposing was not spot zoning but reactive zoning.

Board agreed that because the owners would still have 8 years to develop as industrial and that this may prompt owners into building something for the sake of developing the land rather than develop something that makes sense in the long run. For this reason it was not in the town's best interest to recommend this to be presented at the town meeting in October.

TJG: Motion not to recommend Article 3 at Fall Town Meeting.

BJS: Second.

VOTE: 3-0, Approved.

Mill Overlay District, Article 10 and 11

Judy Barrett, Community Opportunities Group, gave a brief synopsis of new definitions and by-law, which were written to facilitate redevelopment and preservation of the Pearl St Mill. The goal is to make development economically feasible to a developer while accomplishing the goals for affordable senior housing in the town. Reviewed options regarding density, usage and public benefit. It also ensures that the town's Planning Board must approve all development. There were no opponents to this Article present.

After discussion, Board agreed that the new by-law meets the goals of the steering committee concerning usage, conservation and open space as well as the town's continuing commitment to providing affordable housing and care for seniors.

BJS: Motion to recommend Article 10 at Fall Town Meeting.

TJG: Second.

Vote: 3-0, Approved.

BJS: Motion to recommend for Article 11 at Fall Town Meeting.

TJG: Second.

Vote: 3-0, Approved.

Wireless Communications Bylaw, Article 9

Discussed how bylaw gives ZBA ability to regulate construction of telecommunication facilities, and protect their right to regulate wireless or telecommunications towers.

BJS: Motion to recommend Article 9 at Fall Town Meeting.
TJG: Second.
Vote: 3-0, Approved.

Family Apartment Amendments, Article 6

Amendment was written to prevent misuse of Family Apartment bylaw to create overly large home. The language has been clarified with new definitions and there are square footage limitations to the size of the family apartment, no more 1/3 area of gross floor area of home and no larger than 750 sq ft. It additionally requires that structure is compatible with size and scale of neighborhood and retains the appearance of single family home.

BJS: Motion to recommend Article 6 at Fall Town Meeting.
TJG: Second.
Vote: 3-0, Approved.

Family Apartment Definition Amendments, Article 5

BJS Motion to recommend Article 5 at Fall Town Meeting.
TJG: Second.
Vote: 3-0, Approved.

Site Plan Review Amendments, Article 7

Discussion of ways to catch change of use with review process-changes triggers with monetary at or change of use from residential to business in order to protect the safety and welfare of the community.

BJS: Motion to recommend Article 7 at Fall Town Meeting.
EJG: Second.
Vote: 3-0, Approved.

Intensity of Use-Electrical Generating Facility Amendment, Article 8

Change by-law so the allowable number of power generating facilities is two, not three.

BJS: Motion to recommend Article 8 at Fall Town Meeting.
EJG: Second.
Vote: 3-0, Approved.

MINUTES OF THE PLANNING BOARD

September 9, 2004

BJS: Motion to adjourn.

TJG: Second.

Vote: 3-0, Approved.

Minutes Accepted on: 9/23/2004
(date)

Mary Chaves
(prepared by: Mary Chaves)

Roland R. Laprade
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