

PLANNING BOARD MEETING OF JANUARY 23, 2007

PLACE: TOWN HALL BANQUET ROOM

Meeting called to order at 6:30 P.M. by Chairman Fleurent

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Not Present – Albert Borges, Gary Staffon

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes –

Marinus Vander Pol motioned to accept the minutes to the January 9, 2007, meeting. James Holmes seconded. The vote was unanimous. The motion passed.

C. Planning Board Bills – None

D. Receipt of Plans – None

E. Approval of Plans – None

F, Other – None

1. Street Acceptance – Fox Run Lane

Chairman Fleurent - We're here only to recommend to the BPW and Selectmen which street to accept.

William Roth – BPW has no objections to either one of them. As to Fox Run Lane, the only things that I'm recommending are that the developer installs the "No Parking Fire Lane" signs and that they clean the catch basins and storm water facility at the beginning of April 2007.

Marinus Vander Pol motioned to recommend acceptance. James Holmes seconded. The vote was unanimous. The motion passed.

2. Street Acceptance – Potter Street

Robert Hobson (petitioner) – The Town paid for a water main and fire hydrants. Three streets run off of it. The street itself is quite old. It's been there since 1929. It's not a new development. It's like every other street on the neck or West Island and they've been accepted. I'm not looking to get it tarred to get sewerage. I'm just looking for maintenance. The BPW voted to accept it.

Chairman Fleurent - We had to put in sewer and water on those other streets. That's why we accepted them. You want money for engineering and maintenance.

Robert Hobson – I think they should be two separate items.

Chairman Fleurent - That has nothing to do with this Board. We just recommend.

Robert Hobson – I just want to state my case and take my chances at Town Meeting.

Marinus Vander Pol – Over the years, we have looked at a number of streets that need serious

improvement. How does everyone else feel about proposing spending the engineering fees with the conditions of the petitioner incorporated at Town Meeting?

James Holmes – Have the abutters been notified?

Robert Hobson – Yes. I'm the only one that lives there year round.

James Holmes – Are they in favor of it?

Robert Hobson – The ones that I talked to are.

Wayne Hayward – My issue was that you didn't have any signatures from the homeowners. It will be a tough argument if they show up at Town Meeting against this.

Robert Hobson – If I need to get the signatures, I will.

Wayne Hayward – You may have to. The other thing is that we have a limited engineering account.

Robert Hobson – I'll come back next year if I have to.

Wayne Hayward – I would take a different approach.

James Holmes – How much is in the account.

William Roth - \$2,000.00.

Timothy Cox – Is this the only street coming for this?

Timothy Cox motioned to recommend acceptance to the Selectmen. Marinus Vander Pol amended that it is not intended to trigger the improvements. James Holmes seconded the motion. Wayne Hayward seconded the amendment. The vote was unanimous on both the motion and amendment. The motion passes with the amendment.

II. PUBLIC HEARINGS - None

1. Special Permit – Nathan Bekemeier – 354 Huttleston Avenue

William Roth – The original request was for a 47-foot tower. They are now asking for 60-feet after a review by the experts. He has sufficient property and set backs. The tower is approximately 130 feet to the next house on the east and 150 feet on the west. So, he's within limits. There were no significant comments from Town Departments.

Nathan Bekemeier (petitioner) – Mark Howland is under a lot of pressure with these projects. I am one of the lucky ones. I feel I have a very good site. Mark made some decisions regarding the pole and we have not been in contact for several months. In a couple of neighboring communities, they went up to 60-feet and the poles bent. I have yet to get an answer from Mark as to what it going on. I don't know what was really done. If I go up higher than a 35-foot pole, it will bend. I have to be above the tree line and I'm not close. We are generating next to nothing now. When it gets up above the trees, it will generate a lot more and do a big part in lowering my electric bill. So that's what I'm facing. I thought that getting up to 47-feet, I could guide wire. So, I'm stuck. I have a number of people coming down to look at it and they are people that know. That's why I'm optimistic. I do need a 60-feet clearance. This is not a big turbine. 1.2 kilowatts. You are more than welcome at any time to come to see it.

Wayne Hayward – I sympathize with you. This has taken on a bad tone in this community and it

shouldn't be that way. I never even realized that it required a special permit from the Planning Board. We do need to regulate it.

Nathan Bekemeier – I would like to amend it to 64 feet because it is a 4-foot blade.

Wayne Hayward – Why don't we just go with 75-feet?

William Roth – Well, the condition can be amended when the motion is made.

Wayne Hayward motioned to approve with amended condition. Timothy Cox seconded. The vote was unanimous in favor. The motion passed.

Marinus Vander Pol – I hope this helps to make things more encouraging as far as this issue goes.

Wayne Hayward motioned to refund the \$100.00 application fee. James Holmes seconded. The vote was unanimous in favor. The motion passed.

III. DISCUSSION

1.) Draft of Zoning Bylaw Amendments

William Roth - We have set up a public hearing for March 13, 2007 on the wind energy facilities and the zoning authority as well.

Wayne Hayward – The building department and electrical inspector can handle most of this. I went along with the 75-foot height by right. We need to get tougher with the setbacks and that's what my amendments have to do with. I think the height of the tower needs to be away from somebody else's home. If we start seeing a lot of these, I'm a little leery of that. I have my amendments on the handout that I distributed as well as some questions that gives examples of how the bylaw will be applied. I also included in my handout some information from Wintech.com.

William Roth – Let's make the changes, advertise the hearing and discuss it then.

Nathan Bekemeier – There will be nothing under 60-feet. So, I think that 60-foot bare minimum would work.

William Roth – Did you want to consider changing the setbacks in the mixed-use district? Shall I advertise that as well? This would encourage denser development in that district, which is what the purpose is. It will most likely only affect the redevelopment of certain properties, not many.

Marinus Vander Pol – Why is maximum building coverage reduced?

William Roth – That was a mistake. My intention was to increase building coverage. 20% open area. Do you want to look at this?

Wayne Hayward motioned to support a public hearing on the issue. Timothy Cox second. The vote was unanimous. The motion passed.

Chairman Fleurent – I have been approached by someone at Spring Street Garage. They want to build 8 town houses. It goes from one non-conforming use to another non-conforming use. It's allowed. It's right across from the school. The garage is not in good shape. I would like to see some nice apartments there.

Wayne Hayward – It sounds like a use variance to me. I don't disagree that apartments are

better. If we start doing them all over Town, a lot of people will question the use schedule.

William Roth – You could look at a re-zone, or a change of non-conforming use. He could go through the Board of Appeals for a non-conforming use change, which is allowed per code.

Wayne Hayward – I don't think the zoning bylaw has been tested according to Massachusetts law.

James Holmes motioned to adjourn. Marinus Vander Pol seconded. The vote was unanimous and the meeting was adjourned at 8:01 p.m.

Respectfully submitted,
James Pelland, Secretary
To the Planning Board