



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

November 17, 1988

Meeting was called to order at 8:00 p.m. All members were present. Board's consultant, Philip B. Herr was also present.

Submissions:

B1-P Plan - Applicant Marcel Enright, Cross Street, Bellingham Three (3) lots on the southerly side of Cross Street, west of Silver Lake Road. JM moved to endorse the plan; GG seconded the motion, motion carried by unanimous vote.

Form G, Certificate of Release - Terry Maher, Onallam Realty Trust presented the Board with an amended Partial Covenant Release for Beechwood Estates. The amended covenant eliminated the sidewalk. The Board refused to sign the certificate since the book and page had been blocked out.

Definitive Plan - New England Country Club.

Dennis Haworth, Ronald Ash & Associates submitted final definitive plans, construction plans and drainage reports. This constituted a complete revised submittal. He requested permission to submit the plans directly to Amory.

Board members and P. Herr responded that they saw no problem with submitting the plans to Amory.

D. Haworth further stated that he had two sets of plans to submit and explained that the Letter of Transmittal described the submittal.

EM questioned if the check had been calculated already.

D. Haworth explained the check had been submitted already.

EN questioned if more plans had been submitted at a previous date.

EM stated that those were partial submittals. He questioned if this was a complete submittal. A complete definitive plan had been submitted a couple of years ago.



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D. Haworth said it was complete. This is a revised plan.

EM asked P. Herr if there is a fee involved when there is a revision.

P. Herr stated there is no fee involved but pointed out that some towns have regulations that pose fees given the fact that about 80 lbs of plans had been submitted. He suggested that the Board might want to take that into consideration.

EM stated that the original plan had been submitted at about 300 and the fee is calculated per lot. They have it down to about 240 lot now so the town is probably a little ahead of them now.

P. Herr commented that the Board is not ahead of them relative to the time expended but further stated that this is a non-issue.

D. Haworth pointed out which plans were for P. Herr and the two sets which were for the Planning Board.

P. Herr stated they are all set as far as he is concerned.

EM reminded Clerk that submittals had to be date stamped.

EM instructed that the information submitted would have to be added to the file. He further commented that we would probably have to start some new files. EM checked his datebook and reminded Board members that New England Country Club was continued for December 15 at 8:30.

P. Herr asked where Board would like plans placed.

EM commented that there was no place to store the plans. He then questioned D. Haworth as to whether or not plans had been submitted to the Water Dept. and the Fire Chief.

D. Haworth stated that those plans were included in the ones being submitted in order for the Board to issue them.

EN commented that there were only 3 sets.

D. Haworth noted that there were 6 sets in all.

EN stated he would distribute the plans.

P. Herr asked EM if one set of plans is kept on file with the Planning Board.

EM stated EN will bring a set back for the Planning Board when he opens



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them up to distribute them.

Site Plan Review - Bellwood Condominiums Phase II

EM questioned if anyone else in the audience had an B1-P or any other kind of submittal before Board commences with hearings. EM addresses individuals presenting a Site Plan Review for Phase II of Bellwood Condominiums. He states that they have one thing they need to show Board.

P. Herr states there were 3 questions. One question had to do with the alignment of that with that (pointing to the plan). He feels they have reconciled that. Second was the concern over the storm marshes coming down and they have picked that up into that (pointing to the plan). The third question had to do with qualitative concern with whether such a large pipe at the bottom of that basin would get a much higher rate coming up than previously. That's what he would like to discuss.

Bellwood Condos: At first we lowered the bottom 2 feet and put a 6 inch pipe down lower but then we found out that it is susceptible to clogging and it is not best to have it right on the bottom. We just did a revision here (pointing to the plan) and raised a foot off the bottom and put it inside a head wall and raised the 24 inch slightly so we could put the 12 inch in.

EM states that when there is a little bit of water it would come out to 12 inch and to 24 inches when it is filled way up. But when it gets up to that level then there is 36 coming out. EM questions if that would be a problem.

According to P. Herr, individuals representing Bellwood have done calculations. He has not seen calculations. He thought they should bring this in front of Board.

Bellwood Condos explains calculation findings. He states they have enough capacity for 100 years. They have run all the numbers and found that whatever comes out of these pipes at any stage; 1 year, 10 years, 20 or 100 years, it will less or equal to whatever it was before. It will not increase the flow.

EM understands that this is what they are going to show Board when they submit information to P. Herr. EM states that he assumes information will be presented to P. Herr before Board meets again, within the next few days.

Am asked if there was a question with the road.

P. Herr states that has already been straightened out.



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EM states they changed the road, changed the catch basin and caught the run off.

JM questioned if all plans had changes.

Bellwood Condominiums states all plans had changes in red.

EN asked EM if he read a letter to the building inspector.

EM states he read letter but letter would not go out until Board hears from P. Herr that the calculations are correct. Board will approve the plans subject to hearing from P. Herr that the calculations are in order. That way the letter can go out prior to the next meeting and they will not be tied up.

JM questions if plans are marked as being revised.

Bellwood Condominiums states plans are marked.

P. Herr states there will be a new drawing.

Bellwood Condominiums states they will take everything back and present new drawings. Once the letter goes out, they will disperse the new drawings as the original.

EM asks Board members if there is a motion to approve plans to send a letter of recommendation to the building inspector subject to hearing from P. Herr that the calculations work.

EN motioned to approve. Motion was seconded by GG.

JM requests discussion prior to voting. He requests that EM review new plan. He notes that it is possible to substitute one plan for another. He wants to ensure that the substance of the same plan is being presented.

EM questions how the plan can be marked so Board knows which plan is being presented.

Bellwood Condominiums states they will make up a new plan with a new revision date. They will present to P. Herr and he will write letter with the new revision date.

EN states Board could grant approval with conditions.

Bellwood Condominiums states the new plan will look exactly like this one.



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JM questions how Board will know that it is the same plan.

P. Herr states they will send him a print of the plan and he will check it out.

EM wants that exact plan sent to the building inspector's office so we can make sure he has the correct plan in front of him.

Bellwood Condominiums states that they will not submit anything until they get a letter back from P. Herr.

EM states that is the plan the Board wants on file. EM instructs members to initial plan so they know the right one is being used. EM asks if all members are in favor.

Unanimous vote in favor.

EM states that when a plan is submitted everyone gets a copy but when the plan is approved after it is revised and changed we do not always get a copy. We want a copy when it is changed.

Intercontinental Northeast Energy - Cogeneration Plant Public Hearing Reopened

EM states Board is ready to reopen hearing on the Cogeneration Plant - Intercontinental Northeast Energy. EM instructs audience to raise hands and state their names and addresses when asking questions. The presentation will be heard, then the Board will ask questions and the audience will have an opportunity.

Board members review correspondence relative to Northeast Energy.

Steve Roy, President of Intercontinental Energy has brought a number of specialists to the hearing to answer questions which may arise. He has given a presentation to the Board before. He assumes they do not have to review that material.

EM requests a recap as to why the hearing was continued.

S. Roy has brought Attorney Neven Rabadjija to the hearing and he will explain.

EM states hearings were being run simultaneously. Hazardous materials and thirty percent impervious are being done together. Board is reopening hearing for the storage of hazardous materials and the thirty percent impervious in the water resource district.



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N. Rabadjija states since the last hearing there have been a number of meetings held with various other agencies: the Board of Health; Water Department; the Fire Chief and between representatives of Appleton and those agencies. They have discussed questions which have been raised. The Board has received copies of correspondence responding to the concerns raised by those town officials. To recap items which were left open at the last hearing they have submitted a revised site plan which shows in yellow the outline parcel, the blue lines show the boundaries of the water resource district, the green lines indicate the areas of fuel storage or potentially hazardous materials and the pink indicates the parking. They have responded to a request from the Board for increased parking to forty spaces. They have also submitted letters from specialists and consultants as requested by the Board, regarding sound level issues, and air monitoring questions that were discussed at the last hearing as well as a discussion regarding carbon dioxide as a potentially hazardous material. In response to a question from the audience that filings be made more readily available, the applicant has placed a complete set of filings at the public library. The Conservation Commission has given its final approval for a rerouting of the transmission line. They have written a letter indicating they are now happy with the current layout. The Board has a copy of that letter. Also in response to public requests, they have submitted a full set of MSDS data sheets to the Fire Chief and the Board has a letter from him relative to same.

EM indicates that he does have correspondence from the Fire Chief.

N. Rabadjija states he believes they have responded to every request the Board has made with respect to the special permit applications as well as the site plan review. He requests the Board make a decision.

EM reads a letter from the Bellingham Board of Health, dated November 17, 1988, written by Ed Wirtanen, Health Agent.

EM questions if well number 9 is the one which is contaminated. The Health Board told him this would bring down the water level of number 5. He questioned if the contaminants can go to number 5 as a result of that.

S. Roy states he would like to clarify information concerning well numbers 9 and 5. He indicates the Board of Selectmen commissioned their own engineer to do a study. The study shows that pumping rates at well number 9 will not normally affect well number 5 at all. However, well number 5 is currently being over pumped. As long as the town takes some of the \$1 million which they are giving to them and puts in a couple of better wells around number 5, they can pump all they want out of number 9. That study is before the Water Department.



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The Amory Engineers study has been public for two or three weeks. The fact that we have pulled all of the contaminants out of well number 9 could help pull all of the contaminants out of anywhere else but there is no way the contaminants will flow to well number 5.

EM states that is the Health Department's concern.

S. Roy indicates they may make the water in well number 9 potable. Pumping will only have a beneficial affect.

EM states this is an issue which they are going to have to convince the Board of Health about.

Douglas Egan, General Counsel of Northeast Energy Associates indicates their environmental expert will handle this issue.

EM reads a letter from the Fire Chief, dated November 17, 1988. He indicates that he has a response from Intercontinental to the Fire Chief.

S. Roy states the response indicates that if the Fire Chief needs training or special equipment or clothing or if they want any special procedures or a consultant, they will be happy to pay for same.

EM questions if this is in writing.

S. Roy indicates that it is in the letter which they wrote. The sheets of chemicals includes things like ajax and whiteout. We gave them the MSD sheets which give the proper name of the chemicals. The brand name of a product is not always the same as the MSD name. We gave them everything but we had a little trouble indexing.

D. Egan states they generated those documents as quickly as they could. They will now go back to index them and cross reference them and spend the time needed to make it a more manageable piece of information.

EM believes this may have led to a lot of confusion.

S. Roy indicates that some of the lubricants have brand names but the chemical names are different.

D. Egan states the letters indicate they have responded to the extent possible prior to actual construction and starting training sessions and working with the Fire Chief and Health Agent on a day to day basis. They recognize that there is work to be done during two years of construction and years of operation thereafter, they are willing to work hand and hand with town officials.



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EM asks GG to read letter from Northeast Energy to the Fire Chief. There are parts in it that the Fire Chief and Health Agent referenced.

GG reads letter from Northeast Energy, dated November 10, 1988, addressed to Fire Chief and Health Agent.

P. Herr indicates that he is unclear as to which issue the Board is acting on.

EM states they are acting on the hazardous waste, the storage of hazardous waste and the water resource. We are dealing with the reduced parking as a separate issue.

P. Herr questions if the buildings outlined in green are those which contain hazardous materials.

N. Rabadjija responds that is correct. He points out the fuel storage tank, the transformers, and the main building.

EM questions where the water resource district is.

N. Rabadjija responds that the water resource district is outlined in blue - specifically water resource district 2, not 1.

P. Herr questions what would happen if one of the transformers leaked. He asks if they have PCBs in them.

S. Roy indicates the transformers do not have PCBs.

N. Rabadjija refers to Matt Cassidy for a more detailed response.

M. Cassidy, Westinghouse Corporation indicates that Westinghouse has developed a specific transformer oil for use in transformers which is PCB free. Leaking is a highly unlikely situation, but if it occurs, they will have a pit around them sized to contain the full content of the transformer oil. It is filled with crushed rock which is included in the calculations for the size of the pit. The oil would be contained in that pit and pumped out and disposed of off site in a regulated area.

P. Herr refers to sheets of safety data and questions what happens if someone does something foolish with a transformer and it falls on the floor.

N. Rabadjija responds that within each building there is containment material which is released within the building and will not be released in the environment. It will be contained within the building or in some narrower designated location in the building.



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EN questions if the buildings are all cement.

S. Roy responds the foundations are all cement. Any large tank holding 800 gallons or more would have a little dyke around it.

M. Cassidy, Westinghouse, indicates that the number of sheets of hazardous materials is probably misleading. Many of the chemicals are very similar to chemicals which would be found in a high school chemistry class. Many of the chemicals are defined as cleaning agents and solvents in larger quantities. There would probably be some paint stored outside as well. The paint will be stored outside the water resource district. The quantities involved are small. Tanks which are large volumes are contained in a tank.

S. Roy states by large tanks they mean as large as the ceiling of the hearing room.

D. Egan indicates they are talking about two tanks.

Denis Pesci, Dravo Engineering, indicates that the two tanks are located outside of the water resource district in the water treatment building. There is a tank outside the master storage tank which is contained in a full containment dyke. Just inside the building is a caustic tank.

P. Herr indicates there is no place in the town where the water resource definition is as arbitrary as it is here. He believes this facility poses less hazard to water resources than retail facilities. He believes they have satisfied the bylaw with the condition on the special permit that the steps outlined must be followed.

EN questions if there will be as much hazardous materials as with Somerville Lumber.

P. Herr indicates there will be a great deal more here because of the oil tanks. Some of the items which they submitted on the MSDS are the sorts of things which are generally found in substantial amounts but there are only a few of those. They have facilities which are designed to be safe but we all know in rare events they fail. What we have then is a back up system. As a third level, there are various other operating procedures - they have emergency response. He believes that is all the town can ask for according to the bylaws.

EM questions if P. Herr feels they have met the requirements relative to the water resource bylaws.

P. Herr responds they have with regard to the storage of hazardous



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material. He further indicated they have not discussed incoming service as yet.

EM refers to the letters from the Board of Health and the Fire Chief and questions S. Roy about the request for a consultant.

S. Roy indicates that will pay for the experts.

EM explains that he wants to make it clear to the Health Agent and Fire Chief that the Planning Board does not make the final decision. Even if the Board grants a special permit, the Health Agent and Fire Chief are the ones that handle what materials go there since they are the ones who understand it.

S. Roy indicates that he understands he still has to go through the other town agencies.

EM asks for questions from the audience.

Bill Cummings, 49 Box Pond Drive, indicates he feels an outside consultant is necessary after listening to the letters of the Health Agent and Fire Chief.

On October 13, he raised questions, some of which the applicants have responded to. He was referred to a document filed with the Town Clerk which gave him no information. A consultant can answer many of the questions left uncertain in the letters of the Board of Health and the Fire Chief. On October 13, he was told by company representatives that they were storing 4,000 gallons of sulfuric acid on the site and the waste product was a special waste. Under 310 CMR 30, hazardous waste regulations of the Commonwealth, 30.136, sulfuric acid is classified as a hazardous waste.

EM questions if Mr. Cummings feels one consultant can answer all questions.

Mr. Cummings responds that a consultant will look at future operations and review contingency plan in total. He will also put it into language the average citizen can understand. He does feel one consultant can handle. He comments that since we are in the Charles River Watershed, we are talking about contamination all the way to Boston.

. Egan refers to Denis Pesci of Dravo to explain that there is no sulfuric acid in what is disposed of off site of the water treatment process.

S. Roy comments that when water is treated, the special waste is not



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sulfuric acid.

D. Pesci indicates the minerals in well number 9 are classified under salt.

Mr. Cummings understands it is classified as table salt.

EM questions whether it comes in as sulfuric acid and after it is used, it is treated so it is no longer sulfuric acid.

D. Pesci indicates that this is correct. The acid is used in the mineral bed to clean it. The mineralizer beds takes the minerals out of well 9. We back flush them using acid to wash the minerals off the bed. We then use caustic to rewash the bed in order to neutralize the bed. The combination of acid and caustic forms salt.

JM questions Mr. Cummings as to whether he sees a problem with the way the company is storing sulfuric acid.

Mr. Cummings understands what the company is saying about salt but it is still listed as a hazardous waste in his book. Mr. Cummings reads hazardous waste number P115 sulfuric acid and 1 salt. A high risk situation can occur when you put the two together in a spill or accident.

EM states the Fire Chief has indicated that he would like a condition to approval of a special permit that a consultant be hired to help him and the Health Agent.

JM states he would like the report given in layman's terms that the citizens could understand.

S. Roy indicates that have always agreed to pay for consultant but they would like to get a decision with stipulations to pay for a consultant. The Fire Chief may want to hire consultant for a long period of time. They have bank financing and contractual obligations with Boston Edison. They would like to get a decision so the bank will loan them the additional money and they can start meeting their contractual obligations to sell electricity.

N. Rabadjija indicates that the decision of the Board tonite is the beginning of the process not the end.

John Wiese, Hunter Environmental Services, Inc. They followed the Massachusetts Environmental Policy Act for the environmental studies which they prepared. The act demands they take a comprehensive base line assessment of ground water conditions and geology. It looks at physical and environmental parameters. They also look at the impacts



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during construction and at the cumulative impacts.

S. Roy indicates they just had two weeks of testimony before the Massachusetts Siting Counsel where all these issues were reviewed. After extensive review, the Siting Counsel found they were in compliance with everything.

EM questions if materials to be stored in the plant are the same as materials stored in other cogeneration plants.

S. Roy indicates they will store oil, lubricants and solvents no different than any other cogeneration plant.

EM asks if any abutters who went to Amsterdam are present.

Janice Needan, Box Pond Road visited the plant in Amsterdam. She thought the building was not operational since she couldn't hear or smell anything from outside. She heard the generator once they entered the building but it was low. It got louder as they got closer.

EM questions location of plant.

Francis Needan, Box Pond Road states the plant was initially a heating plant for 40,000 condominiums.

S. Roy indicates there were 100,000 residences within a two mile radius. The plant was built after the residences.

John Vandelow, abutter, Vandelow Machine Company on Depot Street believes power plants are the cleanest facility which could be brought into the area. It is a safe plant.

P. Herr states that nuclear plants have a lot of the same stuff as a cogeneration plant.

EM states cogeneration plant is safer than nuclear plant.

Mrs. Needham represents Box Pond Association which has supported plant since the beginning. They will continue to support plant as long as they meet guidelines set up by the state and town.

EN states his concerns about the tanks being outside the water resource district. He questions if leakage will go into the water resources if precautions do not work.

EM indicates that they have a dyke.

JM does not feel the project should be held up. He is not against a



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consultant, but he believes these are qualified people. The State of Massachusetts has the second strongest laws in the country and they approved the project.

EN questions if any conditions were attached to state approval.

S. Roy indicates there were no specific conditions other than to plant trees and to remain in conformity with the laws. The state discussed the hazardous waste issue as well.

S. Roy explains the state requires them to be in approval with air pollution. They meet all the guidelines for potential pollutants. They had to be in compliance with noise and safety in putting dykes behind oil tanks. There was nothing found which was unsafe. The state asked what criteria was for picking site for plant. The criteria included that it had to be on the interstate gas line and electric line, railroad, access to water, industrial zoning and number of acres.

J. Egan states they had to justify selection of site for the State Site Counsel.

EN comments that plant is just outside of the water district.

Linda Aaronson, Rowes Avenue attended a meeting with S. Roy where she learned that current location is not the original site. The location was moved because of the water. It is now 300 feet from 5 residents who are very concerned. They do not want a decision to be rushed.

JM indicates the plant people have been in town for 1 or 2 years.

EM explains time constraints and the fact that failure to act will grant automatic approval without conditions. Board can put special conditions on approval.

L. Aaronson questions if plant was given site approval by state at current location.

S. Roy indicates they received approval for current location.

S. Roy explains they moved location a few hundred feet because Conservation Commission did not want them in a wet meadow. It is the same lot. Five people that abutt on Rowes Ave. and a few people on the other side are not happy.

JM questions if company would be willing to pay fair market value of homes.

L. Aaronson and other members of audience become upset with this issue.



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S. Roy would be happy to get an appraiser.

Comments between JM and members of audience regarding the fact that no one wants plant in their backyard.

EM questions affect of traffic and noise from power generator facility in Medway.

D. Egan indicates it is difficult to get information regarding someone else's operation. They have told Board everything they can about their facility.

EM states facility in Medway has been there for 20 years and he has never heard of a problem. It runs on oil.

James Patton, from audience states an oil trailer truck tipped over in 3. Bellingham. He would have to live with the danger of oil trucks going by his house to fill plant.

EM indicates proposal has been before Board for three years.

B. Cummings states since October 13 when he raised MSDS question has been a short time frame. He wants opportunity to review all material.

EM indicates the Planning Board does not need their own consultant since they can rely on the consultant of the Fire Chief and Board of Health.

B. Cummings requests consultant report be made available to all municipal bodies and citizens of town prior to Board's decision.

D. Egan requests that Board resolve particular issue before it at this time. They are willing to work with public representatives of town, state and federal governments.

S. Roy indicates they have been before each Board in town. Request a decision tonite with conditions. They are willing to honor all agreements town wants but the town can not impose undue hardships on them. The problem is that no one wants anything built in their backyard.

EM indicates his concern for one or more citizens as the same. He feels comfortable knowing he is not making the final decision. Health Agent and Fire Chief will hire a consultant who will answer to them. The Fire Chief and Selectmen have to give licenses.



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JM proposes a motion to close this portion of public hearing.

Gregory Glenn, 10 Judy Lane questions who will make final decision.

EM explains there is an appeal period on any special permit.

AM states they can not start construction until the Selectmen and the Fire Chief give permission.

EM notes any building prior to approval would be at the company's risk.

S. Roy indicates they are not building until they get permits required from the town.

EM indicates they still have a long way to go whether or not Board approves tonight.

AM states that Board can put a condition in special permit that company hire consultant.

EM explains the company provides money to the Town Administrator and he hires the consultant. The company does not hire their own consultant.

Jed Wolenski, 65 Depot Street, states as of last week no agreement has been reached with the assessor's office and no application has been filed on water.

AM states that issue is not applicable to Board.

JM requests a motion to close hearing regarding hazardous material.

AM makes motion. EN seconds motion. Unanimous approval to close.

5 minute recess.

Form G, Certificate of Release, presented by Terry Maher, Onalam Realty regarding Beechwood Estates.

P. Herr states the same ^{lots} ~~houses~~ are being released by covenant which has been previously approved.

EM requests motion to sign covenant. GG makes motion. JM seconds motion. Unanimous approval to sign.

Intercontinental Northeast Energy - Cogeneration Plant
Public Hearing Reopened on thirty percent impervious material.



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N. Rabadjija states it is thirty percent retained vegetation not impervious material. He explains the Co2 lot will have less than thirty percent natural vegetation but the entire site will be more pervious.

JM questions if they could have added more land to lot if they had known about bylaw prior to drawing up the lot.

N. Rabadjija indicates the reason for the subdivision allowed the Co2 building to be located on its own lot. They could have configured the lot different.

AM questions if lot is subdivided yet.

N. Rabadjija indicates definitive subdivision plan has been filed but has not been approved yet.

AM questions how Board can make decision on subdivision which has not occurred.

EM states the lot is being referred to as lots 1 and 2 but the subdivision plan was just submitted and hearing has not been scheduled yet.

AM questions how Board can make decision on something which does not exist.

D. Egan questions if Board can approve site plan without this special permit and then consider this issue when they come back with the definitive subdivision.

AM states there is no lot 2 so Board can not grant special permit.

EN questions why this issue is coming up now.

D. Egan explains subdivision was delayed because of problems which came up with the site plan and changes which had to be made.

JM believes Board can still proceed.

P. Herr suggests Board discuss substance of issue and then decide whether or not they should act or wait since they have invited public to this hearing.

EM states we should proceed with issue.

N. Rabadjija explains proposed lot 2 does not retain thirty percent



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vegetation. That is offset by the fact that the lot will not be paved, so the perviousness will be retained. The natural percolating qualities of the surface will be maintained.

JM wants to be assured that the rest of the land will not be developed.

D. Egan states this could be a condition to approval.

N. Rabadjija states it is not a question of their wanting to develop the land. There are a number of wetlands back there.

EM points out the yellow line, boundaries and Depot Street. He questions if the applicants could have changed the frontage and drawn the line differently to comply.

P. Herr does not believe they could have done that. The reason for the thirty percent retained in its natural state is for the regenerative quality. A third of the lot left as it was to buffer against degrading ground water quality. They have satisfied the law since the contaminants are going to be pumped outside of the water resource district. The functional purpose is met by collecting the water and running it off outside reduces the risk to the ground water. However, Board should make a condition to the special permit that no further development of the land or reduction in vegetation can occur.

James Patton questions in which direction water is piped from.

EM indicates they are discussing rain water, not water from the facilities.

N. Rabadjija points out where the rain water is discharged towards the Box Pond area. It has already been approved by the Conservation Commission.

AM questions percentage.

S. Roy states it is about ten percent.

P. Herr asks applicant if they have any problem with Board continuing the hearing until the hearing on the subdivision.

S. Roy and D. Egan have no problem with continuing.

EM questions whether they would have more time by letting the hearing run or by closing it.

P. Herr indicates they would have to make a decision within 65 days



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after they close hearing. If Board continues hearing, no decision is required until they close it.

Board members discuss soonest date they would be able to hold hearing on the subdivision.

P. Herr indicates they have 90 days to make a decision on a subdivision from the time it is filed.

P. Herr has reviewed the definitive subdivision plan and forwarded a list of comments to the applicant. He believes all issues will be resolved prior to the public meeting. He does not feel it is necessary for him to be at the meeting.

EM states soonest date to hold hearing would be January 12, 1989 at 8:30 to discuss definitive subdivision.

JM makes a motion to continue the public hearing for the special permit for retaining less than 30 percent of the total lot until 9:00 on January 12, 1989.

Larry Cibley, Chairman, Board of Selectmen, questions Board as to reasoning for selecting January 12, 1989.

EM reminds L. Cibley that state law requires that public hearing has to be advertised 14 days prior to hearing.

L. Cibley questions if January 12 is soon enough for S. Roy.

S. Roy indicates he would like to have it heard sooner. Any time scheduled soon would be better for them.

EM does not want to set a precedent of scheduling special meetings. Board does not want to have an accomodation meeting December 8 would be fine but Board does not have enough time to advertise and send out abutters notices.

S. Roy indicates they would be happy to assist in advertising.

L. Cibley believes Board should make accomodations.

JM comments that advertising should be done through new Planning Board Clerk so she can learn.

EM explains that Board can schedule hearing for December 8 at 9:00 but it will be at risk to the applicants. They will have someone do all the registered letters and labels.



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S. Roy indicates they will handle everything.

Board agrees to set the public hearing regarding subdivision to 9:00 on December 8, 1988.

JM moves to continue public hearing regarding 30 percent vegetation state to 9:30 on December 8, 1988.

EN seconds motion. Unanimous approval.

Reduced Parking

AM questions if reduced parking should be continued as well.

D. Egan requests decision on reduced parking tonite.

N. Rabadjija indicates they have complied with the increase from 30 to 40 parking spaces which the Board requested.

EM explains the building actually requires more spaces, but applicants have requested a reduction because they do not need more.

James Patton questions number of employees.

EM reopens hearing on reduced parking.

N. Rabadjija estimates 20 employees on lot 1 and 5 employees on lot 2.

J. Patton questions if there will be parking on Depot Street during a shift change.

N. Rabadjija explains that shifts are not equal in size. There will be no off street parking.

J. Patton questions number of visitors to building.

JM questions if building lends itself to visitors like a school bus.

S. Roy indicates that it is possible that a school would visit.

Gregory Glenn, 10 Judy Lane questions affect of parking on ground water.

EM states less parking requires less impervious coverage. EM asks P. Herr if they should wait to discuss reduced parking since it was applied for on two lots.



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GG makes motion to continue reduced parking until 9:45 on December 8, 1988. JM seconds motion. Unanimous vote in favor.

P. Herr will not be able to attend the hearing on December 8, 1988. He is concerned about parking during construction.

M. Cassidy, Westinghouse, indicates the plant will not be built at one time. Areas built later will be used for parking.

D. Egan indicates they would be amenable to approval with conditions that they will not park on Depot Street.

EM states they should show Board diagram of where they will park during construction.

D. Egan states if it is a permit condition, they will comply.

N. Rabadjija questions if it is a condition to reduction of parking or a condition on the site plan.

P. Herr indicates the more secure place for the condition is with the special permit. He believes they need the full parking requirement during construction. They have shown Board that they do not need the parking in the long run but not in the short run during construction. They should put in a condition that the building inspector can stop work if parking occurs on Depot Street.

EM states hearing is continued to 9:45 on December 8.

Site Plan

EM questions if they should discuss site plan or continue it also.

GG states Board can not make a decision on the site plan since it is contingent on the parking issue.

N. Rabadjija states they deliberately scheduled site plan and related issues be heard together.

EM requests P. Herr's input on site plan since he will not be at December 8 hearing.

P. Herr discusses issues regarding site plan of noise levels and type of lighting.

D. Egan states they will withdraw subdivision application tonite to hear other issues as a single lot.



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Board members indicate they can not act on special permits for lots that do not exist.

N. Rabadjija discusses response to issues raised in the initial site plan review. They have submitted a letter to the Board enclosing letters from Sigma Research Corporation relative to monitoring air emissions of the site as well as letters from Environmental Science and Engineering regarding transferring the noise standard from the state to the local standard as well as a letter from Dravo Engineering regarding lighting.

EM explains to audience that we are discussing exterior lighting, i.e. night lights and flood lights.

P. Herr indicates those are the three issues along with water service.

Don DiChristofaro, Sigma Research Corporation, air quality consultant, indicates in order to meet DEQE air standards they are required to put in nitrogen oxide with continuous emission monitoring as well as a capacity monitor. DEQE will review as often as they wish.

N. Rabadjija indicates the noise issue is next. The predicted DBA impacts of 400 feet beyond the property line is at or below the night time noise levels in the town's bylaws.

P. Herr states they are in compliance with the town's standards. If it can not be detected at 400 feet away, it is tolerable at the property line. It is close to what he had hoped for. He explains the plant will make less noise than trees rustling and cars passing.

L. Cibley questions if noise levels for night time operations will meet changes which the town contemplated in September 1987.

P. Herr responds that the September 1987 rule was drafted but never enacted. He indicates the plant would meet the contemplated rules since they are in noise zone A which would be considered an industrial district with an exterior noise level of 60 dba.

EM states the rule was revised in October 1987, went to public hearing once but stopped there. They will get it back to hearing.

J. Patton questions if Board and bylaw take into consideration total of noise from two plants.

D. Pesci, Dravo Engineering, responds that it will not be noisier since noise levels do not add up.



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EM explains comments of Mr. and Mrs. Needan relative to quietness of Amsterdam plant.

J. Patton indicates this plant is bigger.

S. Roy states the Amsterdam plant is half the size of this plant. It had one turbine instead of two. They both run at the same time but the noise will not be greater.

L. Cibley indicates plant will still have to meet the town's standards. He will be happy to check the decibals along with the building inspector at any time.

EM questions if the lighting issue is next.

N. Rabadjija indicates they had discussed exterior lighting at the last meeting when a distinction was made between sodium and halogen lighting.

D. Pesci, Dravo, states a high pressure sodium light bulb will be used. It is the same light which is in the back corner of the Town Hall parking lot.

EM states they want the soft white light aimed toward the project not away. They do not want orange lights.

D. Pesci indicates it is a warm white light, not orange.

N. Rabadjija states the utility plan shows the sanitary water supply of the site.

EM states it has to appear on the site plan.

D. Pesci indicates that it appears on the supplemental site plan. It shows the domestic water line going in from Depot Street.

P. Herr questions if there is an agreement with regard to the water which goes into the pipe.

S. Roy states there is a comprehensive agreement with the Water Board and the Board of Selectmen which includes water, taxes, everything.

EM explains they need to know where the water comes in as a prerequisite of the site plan review.

L. Cibley states that is being worked out with the Water Dept.

P. Herr states the site plan deals with construction of driveways,



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location of buildings and on-site drainage facilities. He explains that Board can act on site plan without subdivision since construction will not be any different whether or not there is a subdivision of the land.

EM states they just need a motion since there is no hearing on the site plan.

Gregory Glenn questions if water service is 8" pipe going in.

S. Roy states 8" pipe is from the water storage tank on well number 9.

D. Egan states the drinking water pipe will be 3" from the town system.

EM requests motion.

EN questions if there should be any conditions to the motion.

EM states there was a letter of recommendation to the building inspector which has not been done yet which states no type of occupancy permit be issued prior to his checking the site.

P. Herr states the conditions to the building inspector should state they recommend the site plan which should be viewed in conjunction with the utilities plan and the landscaping plan prior to issuing an occupancy permit.

L. Cibley states the Board of Selectmen would like a copy any time that type of letter is going to the building inspector.

JM makes motion with condition stipulated and to send a copy of letter to the Board of Selectmen.

AM seconds motion. Unanimous approval of site plan.

P. Herr states the Board should include the 10 assurances which the applicant provided in their letter of November 10, 1988.

AM questions if there is a way to make the consultant's report available to the public.

EM asked applicant to place a copy of the consultant's report in the town library as well as with the Town Clerk's office.

P. Herr states the 10 assurances were from Northeast Energy Associates.



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D. Egan states Intercontinental Energy is the corporate general partner of Northeast Energy.

S. Roy states Northeast Energy applied for the permit.

P. Herr states Board should lock assurances to whoever owns whole or any portion of the site.

EM states Board is in agreement on including conditions.

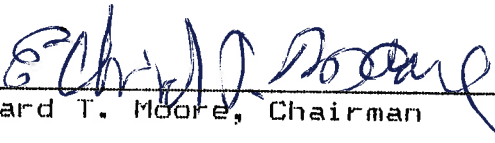
P. Herr questions what water quality monitoring has been suggested.


D. Egan states that is one of the 10 points in their letter of November 10, 1988. Water monitored by subject field, oil tank, detention pond and water treatment facility. They will put in as many wells as the Board of Health deems appropriate.

JM seconds motion. Unanimous vote in favor.

EM states they grant the special permit for the storage of hazardous materials with the conditions stated as special conditions.


Meeting adjourns at 11:55 p.m.


Edward T. Moore, Chairman


Glenn E. Gerrior, Vice-Chairman


Emile W. Niedzwiedz


Anne M. Farris


John P. Murray