



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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GLENN E. GERRIOR, VICE CHAIRMAN  
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ANNE M. MORSE  
JOHN P. MURRAY

### MINUTES OF REGULAR MEETING

May 25, 1989

Meeting was called to order at 8:05 p.m. All members were present. JM came in at 9:00 p.m., during the Stallbrook Marketplace Special Permit public hearing. Board's consultant, Philip B. Herr was also present.

EM request a postponement for Stallbrook Marketplace Special Permit public hearing for 10 minutes so the Board can hear some 81-P's and answer letters.

### SUBMISSIONS

Norman Decelles, Coachmen's Lodge, explains that he is presenting a revised 81-P from the one which he submitted at the last meeting. They put up a flag which showed a difference from the plan which was initially submitted. It has not changed much.

EM explains to P. Herr that the plan was never filed and the parcel has the same frontage. EM assumes they adjusted the square footage.

N. Decelles indicates that is correct.

P. Herr states there is no reason to change the plan since it was not an endorsed plan.

N. Decelles states they went back down 37'.

EN questions if the dimensions are still the same. They took off the point and brought it across.

P. Herr states there is more than enough area.

EN makes a motion to waive the \$10.00 fee since it was already paid. A seconds motion. Vote of 4.

AM makes a motion to sign the plan. EN seconds the motion. Vote of 4.



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Members sign plan.

EM indicates the Water Dept. is submitting an 81-P for a well. He requests a motion to waive the fee.

EN makes a motion to waive the fee. AM seconds the motion. Vote of 4.

Members sign plan.

EM reads letter from Frank Waldron, resident of Crystal Springs, dated May 8, 1989. The letter points out a number of Mr. Waldron's concerns regarding incompletions at Crystal Springs. EM explains the Board approved phases so the builder could only put up so many per year. They are not necessarily committed to completion of the building. As far as the safety issue is concerned, he should go to the Building Inspector regarding an open foundation. He does not remember the exact build out number per year.

F. Waldron states they are supposedly able to build the building in February 1988 but it still sits.

EM suggest he take up his complaints with the condo association. He can get a copy of the original special permit decision from the Town Clerk's office.

P. Herr states he can do more than that. Site plans, pages 1 & 2 show the location of the dumpsters.

EN points out he can see the site plans at the Building Inspector's office. The site plans also show lighting.

F. Waldron indicates he looked at the drawings in the Town Clerk's office. The plans did not resemble what is actually there.

EM explains that temporary cul-de-sacs are sometimes put in. The best plan would be at the Building Inspector's office. The plan initially submitted is not always the one which was approved.

AM suggest the Board forward a copy of Mr. Waldron's letter to the Building Inspector.

explains that a Form G, Certificate of Release is being presented for Wethersfield.

Cindy Yesko indicates it is for 39 Anne Marie Drive.



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EN makes a motion to sign the Form G. GG seconds the motion. Vote of 4. B. Lord notarizes the Form G.

Tom Devitt explains he is before the Board representing Hillside Estates.

EM reads letter from T. Devitt, dated May 25, 1989 requesting Hillside Estates street acceptance.

EN questions what L. Ambler said about the houses being built before it is released.

EM states the Planning Board must recommend it before it can get to the Town Meeting floor.

EN states that all houses are built before acceptance.

EM responds that not all houses within the subdivision have been built.

T. Devitt states it is a 17 lot subdivision.

AM states he met the law by putting in the meets and bounds.

EN questions who is responsible for the road.

T. Devitt states it will be the town's responsibility once it is accepted.

EM asks P. Herr if there is any reason not to recommend the road.

P. Herr states there is no rule concerning that issue. A lot of towns will not accept any streets. Most streets in the town are not fully built out.

EM states they have only accepted two streets since 1978. If they go in and build houses and damage the road, they will be liable, the same as any street in town.

EN states if the same contractor who is building the houses damages the road, he will be liable.

Devitt explains he has a concern because he owns 4 lots, an investor owns 1 and a private party owns 1.

AM states that does not matter. If they wreck the road, they are still



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liable.

EM indicates the town would have to know who wrecked the road first.

AM states the bylaws are not clear on that.

T. Devitt states there should be a definitive checklist on what to do. It is unclear. The state statute states the Board has to make a recommendation.

AM makes a motion to recommend acceptance for the street on the Town Meeting floor. GG seconds motion. Vote of 4.

EN explains he does not want to hold Mr. Devitt up. He just wanted to clear up the issue.

EM instructs Clerk to prepare a letter of recommendation for the Town Meeting floor. A copy should be sent to Tom Devitt Realty, 3 Mechanic Street, Bellingham, MA.

### STALLBROOK MARKETPLACE SPECIAL PERMIT FOR MAJOR COMMERCIAL MARKETPLACE - CONTINUED PUBLIC HEARING.

Dave Dankens will present a brief overview. The complex will be at the intersection of 495/126. The Board had asked them to follow up with the various town depts/agencies to resolve questions. The Fire Dept. had no comments on the plan. The Police Dept. make a number of comments on the subdivision plan. However, he had no comments regarding this specific permit. They are dealing with the Water/Sewer Dept. on an ongoing basis. Local sewer permit was issued last week. The Town Engineer had no substantive comments regarding the specific use of this permit.

EM reads letter dated May 25, 1989 from the Water/Sewer Dept. They approved the sewer line and an application was submitted to DEQE.

EN questions capacity.

EM states the letter does not say the capacity is there. They need to get an answer to that questions.

D. Dankens states that issue is for the subdivision, not the use permit.

EM questions if the retention area has been reviewed by M. Megalli, Town Engineer.



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D. Dankens states it was reviewed by M. Megalli, Conservation Commission and by the Planning Board at site plan review.

P. Herr states there is a big question regarding Section 4740 for Traffic Mitigation. The section for a major commercial complex states lights not higher than 20' and banks not to exceed 15' slope. Both issues will be dealt with at the site plan review.

D. Dankens indicates that is correct.

P. Herr these are not real issues at this point.

EM explains the issue of traffic mitigation is still in the works.

P. Herr explains the town retained a traffic consultant, B. Campbell & Associates, to study the traffic issue. The funding was provided by AI, Varney and Fafard to examine the development on Rt. 126. It has now progressed to the point where B. Campbell is now proposing a scheme to the process of development. They will present a preliminary cost estimate for the entailed construction. The proposed scheme will achieve a pro-rated share for the municipal cost improvements. They are doing a good job. They have had discussion with the technical representatives regarding the numbers. It is being amicably resolved. It is a very complicated process because of the staging of development and the improvements to Rt. 126. Private land will be developed and there are complicated ways. There is a question as to where, if any, public share cost will be found. There have been a series of meetings between the 3 developers, Town Engineer, Town Administrator and P. Herr. He can not see how the Board can make a judgment on how the applicant satisfies the Bylaw amendment.

D. Dankens states it is an ongoing process. They tried to show the Board they have gone through the process. This project should not be taxed. They have been in earlier, but the project is in an ongoing mode. A substantial amount of money has been put in for Stallbrook and Hartford Avenue/Rt. 126. He does not want to be forced to hold back. They are coming forward with 100s of thousands of dollars in improvements. They do not want to be held back.

P. Herr explains the next meeting will be a few weeks. He questions what they mean by ongoing process.

EM states the Board needs to know what must be done so it can be put in the conditions.



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D. Dankens points out the process could take months before they are committed to other developments and the town is satisfied. He questions why the plan as presented should be controlled by the other developments and forced to wait.

EM states they are not controlled by the other developers. The Board does not want their o'kay. The Board wants to see what B. Campbell says. They are not looking to tie the applicant up, but must know what needs to be done. It is the only leverage they have.

P. Herr states there are unresolved questions which could take up to 6 months or a year to get answered. The applicant has a point well taken. They should not be held up. It may take careful drafting of the conditions if the special permit is acted on before the questions are resolved.

states the Safety Officer for the town asked how traffic will be handled in front of Stallbrook. He did not know there was an ongoing study. He should be included.

P. Herr states that is correct.

J. Haughey, Safety Officer, states that he sees the impact to N. Main Street. He is not trying to put the burden on Stallbrook provided he receives all the information.

EM states the next traffic study meeting will be on June 15 at 9:30 a.m. Mr. Haughey should talk to D. Fraine to obtain copies of information pertaining to the last meeting.

Bob Fishman, counsel for Stallbrook, states this project just entails the proposed shopping center. In later phases, they propose an office building along 495. It is all in the Environmental Impact Report.

EM states he is not aware of that.

D. Dankens points out they started this process in early 1987. The Environmental Impact Report was signed off in September 1988. It covered traffic, water/sewer, wetlands and air quality. All agencies, state and local, were notified. They have 138 acres of land in the same location. There will be 3 complete phases. Phase 1 is the shopping center, 2 will be office buildings, 3 will be 2 industrial buildings flanking the easements. They changed the original driveway to a subdivision road. The bylaw guards against porkchop lots, so they have a subdivision road. They changed the plan to include that, but



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there been no change in the square footage. They have been consistent throughout the process.

B. Fishman states the EIR Traffic Mitigation Report was approved by the state and Mass. Dept. of Public Works. He thinks it meets the language of Section 4740 independent of B. Campbell's study. It provides off-site mitigation. It assures safety points of ingress/egress. Section 3 of the EIR required Section 61 funding to study design solutions and the outlying intersection. It meets the requirements today. They have proposed \$1 million in improvements. They met with District 6, Tom McGlaughlin from MEPA. The measures which they propose will not be enough for the later phases. They may have to do something different. It depends on who builds next. The B. Campbell process will plan the whole quadrant. Mitigation for Phase 1 has been approved by MEPA and DPW. It satisfies 4740.

P. Herr states that is their contention.

EM states it may satisfy someone in Boston who does not live in Bellingham. The Board can close the hearing, but they are not able to vote yet. They will have to impose conditions because they do not want to find out something latter. They want to make sure all the information is in so they can know what they are dealing with.

JM enters the hearing.

D. Dankens states it is hard to get commitments from everyone.

EM states the language locks everyone in to specific promises and conditions. The Board wants to be fair to everyone involved. They do not want to make them wait if the others do not get things done like they should. However, the Board does not them to have to dig up the road later.

P. Herr explains that Fafard submitted an application for Major Commercial Complex tonight. The Board can not proceed as if it did not exist. They can not make them wait until they are in the ground. There has to be a reasonable middle ground.

B. Fishman questions the process. Mitigation and parking were dealt with by MEPA. Various road widening was approved by District 6. They have right of way to the entrance and then municipal jurisdiction. He not aware that Campbell is addressing that. The traffic mitigation they are proposing for Phase 1 meets the requirements.

P. Herr states that whatever specific improvements they are proposing



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must meet the whole thing.

D. Dankens assumes the other developers are coming forward with a reasonable amount of time and money.

P. Herr states they will work something out fairly. They are all trying to do the same thing. In order to proceed, the Board must make sure that it works for everyone. They are committed to part of the engineering improvements for the intersection at N. Main St. B. Campbell states it will be more than just engineering. They may have to contribute more. They will know better in two weeks.

B. Fishman states they may be able to appropriate for part of the construction cost. It is a timing issue dealing with state and local requirements.

P. Herr explains that what the state said is not binding on the locality. The state needs to get involved in the planning process. It will take many more months. They can not get an answer tonight.

EN would like to wait for the Campbell report.

P. Herr states that may take too long.

B. Fishman indicates it is an open-ended process. Further improvements are part of the process.

EM questions how they will add afterwards.

P. Herr states they would have to draft it now.

B. Fishman states it is unlikely they would be required to do less.

P. Herr states they may be required to do more. It must be addressed in the language. They want to ensure the language is drafted fairly and will be transportable to the other two developments. He also had other questions. He could not tell what land area was committed to this use from the special permit submittals.

D. Dankens states the subdivision and special permit will be an ongoing process. There are no major changes to the lot scheme. A 60 acre parcel is tied to the special permit. They will show the 40' scale on tonight.

P. Herr states the Board needs to see that before they sign off. He questions how many ways there will be to get off before the completions





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of Phases 2 and 3.

D. Dankens responds there will be only one method to 126 for Phase 1. 495 has no access. A backlot was contemplated. A causeway will connect Phases 1 and 3.

P. Herr states the Board needs to hear from the safety people regarding that. The Board would not let a subdivision build with one means of egress. This will generate thousands of cars. The Board needs to hear from the Safety Officer, police and Town Engineer. Phases 2 and 3 may never happen.

J. Haughey, Safety Officer, states there is only one main entrance. He only looked at Phase 1 before. He looked at Phase 2 and 3 including 2,000 vehicle trips today. They will have to move high tension lines. Fafard will be across the street. There is a 4 way intersection similar to what Franklin has now. Instead of ripping up the road 4 - 5 mes, he would like to do it right. He looked at the site distance and saw no problems. They will be widening the road to 4 lanes. It will be better than Franklin. The right hand side will be one way which will come back out to a 4 way intersection. Franklin has a 2 way intersection. The roadway is 48' wide which is plenty for 2 lanes. 36' may promote problems when it feeds the second phase. 2nd and 3rd phases will have 3,000 vehicle trips.

EM states they will have 4 lanes/6 lanes similar to Route 30 with Lechmere on one side and Shopper's World on the other.

P. Herr states that is a tad larger.

EM questions what happened when they talked about a road going through to Farm Street.

P. Herr indicates that did not make sense to anyone.

D. Dankens states they do not own the property.

P. Herr explains it is a long way. There are wetlands and other property owners. No one is interested at this point.

EM questions having another means of egress.

Dankens explains they have a lot with frontage on 126. There is not lot of good frontage on 126. They will fix the street to allow adequate cue distance coming off 495. There is bad geometry at the cemetery. They found one point where they could put the roadway today.



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P. Herr indicates that is correct. The issue of secondary access should be dealt with by the Fire/Police Depts.

D. Dankens states the whole property will be accessed at a short distance. It is only a short distance to get in. They can go around the safety issue.

P. Herr states it will be like Bellwood where they have one single egress with a median in the middle. The Board must hear from the Fire Chief on that.

EM questions if the Board has any information from the Fire Chief on that. Clerk responds there is nothing.

P. Herr questions if there is a letter from the Water/Sewer Dept.

states the letter does not refer to water at all.

P. Herr anticipated water usage lower than that. He could not figure out the gallons of sewage.

D. Dankens responds there will be 40,000 gallons of sewage per day for all 3 phases. The first phase will have 15,000 gallons of sewage.

P. Herr questions the 9,040 gallons of water per day. Retail will use 6,700 of that.

D. Dankens questions the discrepancy between 9,000 in water usage and 40,000 gallons of sewage. 9,000 is only for phase 1. Water usage is roughly 90% of the sewage capacity. This is the largest complex, but will have the lowest sewage because it is retail.

Jim White explains that Title 5 states a 200% safety factor. It almost doubles water usage sometimes.

P. Herr states they do not really have the numbers tonight.

D. Dankens states they do not have the actual numbers.

P. Herr states the Board might like to know what they are committing.

questions why it does not say anything about water usage.

D. Dankens explains they will have two lines on Pleasant Street. A 10" and 12" pumping 1300 gallons per minute. It is high gallonage. They



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went before the town and received approval. They have not finished improvements on 126. It will be broken out per phase.

EM states the Board needs to have that information regarding the edge of the road and improvements in order to act on the special permit.

P. Herr does not think they need that information. They will be approving the concept of a proposal this size with egress.

B. Fishman states the Board is looking at the use. The special permit for Major Commercial Complex is for appropriating use on that piece of land. Sewer/water and parking will come under site plan review.

EM questions if the 9,000 gallons of water is for Phase 1 only.

D. Dankens responds that is correct.

questions the amount of gallons for the rest of the project.

P. Herr responds it is 40,000 divided by .9.

EM states it is roughly 40,000.

D. Dankens states they overestimated water usage.

B. Fishman states it is in the Environmental Notification Form.

P. Herr points out that part of the site is in Water Resource District I. They must provide a spill contingency.

D. Dankens states that any use in the Water Resource District of chemicals in excess of household chemicals will be stored above ground. Septic flows are in excess of 15,000/day. They need to come back before the Board to identify the uses once the tenants tell them what they will use and how they will handle. They can not do it now because the tenants have not been formally identified yet.

P. Herr states it should be incorporated as part of the special permit. The water resource bylaw was changed at the Town Meeting.

EM indicates that is under the new law. They have not applied yet.

Fishman states the town is moving in the direction of saying they do not need a special permit if they have storage.

P. Herr states the Board needs to hear from the Fire Chief on the



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access.

EM states the Board must also hear from the Safety Officer regarding site distances.

P. Herr states the Board must get their opinion because this is not a subdivision question, it is a use question. It is prudent to keep the public hearing open pending the hearing regarding the adequacy of the proposal for mitigating traffic.

EM will keep the hearing open pending a response from B. Campbell, the Fire Chief and the Safety Officer.

P. Herr indicates the applicants are looking for closure.

EM questions if any residents have any questions.

ul MacDonald, abutter, questions the article which appeared in the Call after the last meeting regarding widening the road by minor land taking. He would like them to point out the land in relation to the plan.

D. Dankens identifies Phase 1 improvements to 495, 126 and northbound ramps. In order to improve the horizontal geometry, they must obtain approval from the town and DPW District 6. 3 properties will be affected by the roadway improvements: Varney, Fafard, and Carl Johnson property.

P. MacDonald states he is interested in the Fafard property.

D. Dankens explains it will be roughly 10 feet. They contacted Fafard. There will be minimal impact to the property. No parking will be taken from them.

P. Herr indicates that if the Board continues the hearing for one month from tonight, they will have another meeting with B. Campbell and the town before that. They are proposing that Phase 1 improvements will be consistent with the one year scheme.

EN states the Board will hear from them by June 8.

EM points out the meeting is not until the 15th. They can tell P. Herr the questions so he can get answers from B. Campbell by June 15th.

EN makes a motion to continue the public hearing to June 22, 1989 at 8:30 p.m. AM seconds the motion. Vote of 5.



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### STALLBROOK - PRELIMINARY SUBDIVISION DISCUSSION

D. Dankens explains they have had an operative plan since January 1989. They changed the driveway to a subdivision road. They met with a number of individuals in the town in order to try to understand an acceptable scheme. The plan does not have major issues. Waivers are needed for the curvature in the roadway and site distance issues. They have a June 22, 1989 deadline to submit the definitive. They hope to submit it at the June 8 meeting under new business. They will then ask the Planning Board to schedule a public hearing. H.W. Moore Associates are the engineers working on the scheme. The bylaw requires an industrial district have a minimum radius of 350'. Two areas are less than 350'. The entrance is 150' and the curve is 200'.

EM questions if that is one waiver or two.

. Herr indicates it will be one waiver for the line radius at 2 places.

D. Dankens states the amount of traffic going in and the amount of traffic on the access road will be adequately sized for Phases 1 and 2. Speeds on the roadway will be 25 m.p.h. It should be adequate.

EN questions if they will have speed bumps.

D. Dankens states they will not. They will tighten the radii to site distance of 400'. They will have a tough time meeting it if it is in the right of way. They will keep parking back 20' according to the subdivision regulations. For the site distance of 250' at the curve and entrance, they will hold the bank building back to 295'. They will have an elevated traffic signal. They will keep right at the edge of the island to appropriate signing. The roadway will be lighted. There is not other way to improve access. They put in what is necessary to let the motorist know there is a signal so he can cue. The third waiver involves the pavement width. They will have 36' pavement and 48' for the access with 2 lanes across. It will go down to 30' to handle the amount of traffic for Phase 2. They ask for a waiver for the portion of the roadway which will be 30'.

P. Herr states it is a travel way, not a right of way. 30' is plenty wide, but what happens is a truck breaks down.

. Haughey states the 15' of shoulder should be enough room for them to get off.



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D. Dankens states they could build a cul-de-sac for the safety factor. It would do away with another waiver. Officer Haughey is involved relative to the safety site distance and curvature.

P. Herr states it is a requirement if the lanes are dead-ended.

D. Dankens states it is required if the geography warrants.

EM states it would have to be waived.

B. Fishman states there are two issues relative to the waiver. There is a question regarding the maximum length of the cul-de-sac.

P. Herr does not think it is a waiver. The cul-de-sac is a long road. If the collector street is dead-ended, it requires a waiver. They can only do it if the Planning Board says it is a feasible alternative.

Fishman states the regulations require that all roads have two sidewalks on collector roads and no sidewalks in an industrial district. They are proposing one sidewalk.

EM states they would not have to ask for a waiver to put a sidewalk on one side.

P. Herr questions if they anticipate walk in traffic.

D. Dankens expects very little.

EM feels it is a good idea to give employees the opportunity to walk around.

D. Dankens further explains they will improve the roadway. They will put in a curb as the regulations require. They will put in granite curbing with a sidewalk at the edge of the curb offset by a grass strip. It is a better roadway.

EN questions who will take care of the roadway.

D. Dankens indicates they will.

P. Herr states the grass strip may require a waiver since they will not have the sidewalk adjacent to the roadway. They ought to have the grass strip between the roadway and the sidewalk.

EN feels it is aesthetically a good idea provided it is kept up and cut.



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D. Dankens will submit the definitive plan June 8.

P. Herr who would be responsible for the street since the owners of lot 1 and 2 may be different people? The drainage in the street has to work. Drainage facilities need to be in the easement.

D. Dankens explains that 2 lots will be responsible with 1 lot having primary responsibility.

EM questions what that means.

D. Dankens explains the maintenance, i.e. plowing and etc. will be taken care of. It will be a privately built and privately maintained roadway. The town will have no responsibility because it has not accepted the road. An agreement will be drawn up which obligates one parcel to the other for maintenance of the roadway. Primary

responsibility will be with Phase 1 which will bill back a pro-rata portion which the developers will determine. The drainage will be handled in the master drainage scheme of the phases. They will have catch basin locations which will stub to the edge of the right of way. The complete design will show all lines tied in and how to get back to the detention pond. They will accept the condition that they will have to come back to the Board to show them how it works with the road. It will all be tied in.

P. Herr states that Celtic had the same issue. The problem is whether or not the drainage scheme works across lots.

D. Dankens states they will provide specific information at site plan review. They will discuss it with M. Megalli.

P. Herr states the Board must see the paperwork on that.

B. Fishman states they are completing the final drainage design. It is part of the site plan. They can not give final information until they know who the tenants are.

EM states this project will be like New England Country Club. The Town Engineer will look over it on an ongoing basis.

P. Herr states the real issue has to do with conveyance.

Fishman states they can not sell until the drainage is done.

D. Dankens states that a section of the roadway with the drain will be



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pulled together.

EM explains that a preliminary subdivision discussion is a concept thing.

B. Fishman points out the official time to act expires today. The Board must approve or disapprove.

EM states the Board can act on it tonight since they made it clear what should be presented in the definitive process.

D. Dankens states there are more procedural issues regarding the types of roads in an industrial district. The full definitive will be covered at the public hearing. They are subdividing 3 lots.

EN makes a motion to approve the preliminary subdivision with conditions.

P. Herr states it should be approved with reference to the subject matters discussed.

EM explains that approving the preliminary plan does not necessarily mean the Board will approve the definitive.

GG makes a motion to approve the preliminary plan as to the matters discussed and noted in the minutes.

EN seconds the motion. Vote of 4. JM not present.

B. Fishman brought an extension letter with him so the Board can file the decision regarding the preliminary. Clerk is given two weeks to prepare the preliminary decision.

5 minute recess.

### EVERGREEN CONSTRUCTION - DISCUSSION

EM would like to discuss the site plan for Evergreen Construction before signing the decisions for New England Country Club.

P. Herr visited the site tonight. He presents a letter explaining the situation. 4 buildings are erected on the site as well as 5 large liquid storage tanks. The Board approved the site plan with 3 buildings, no storage tanks. The plan shows site improvements which are different than what is there. There is also different wiring. The





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plan shows constructed storm drainage, no catch basins.

EM questions if the road is paved.

P. Herr indicates it is not all paved. The portion in the Algonquin gas easement is not paved.

EM did not see the catch basin or the paved portion of the road.

P. Herr states the drawing which was recently submitted seeking approval of the 4th building, does not show the storage tanks and the parking configuration is different. What is on the ground is different from what is in this drawing or the earlier drawing. The incompleteness is listed in his letter. Evergreen Construction made the improvements at his own risk. There is a question as to whether or not it is agreeable with the zoning bylaw. He can not tell what the exact property use is. Part of the property use will be recycling antifreeze. It usually falls under the definition of waste processing of hazardous or radioactive materials. It is prohibited, so they would have to get a variance. It does not comply with the zoning bylaw.

EM states the Selectmen need to be alerted.

P. Herr discusses the side yard versus the rear yard. 40' property line. The side yard is o'kay. The rear yard is not o'kay. He's confident it is the rear yard. If the old definition applies, it is a side yard. If the new one applies, it is a rear yard. There is dimensional and use nonconformance.

JM questions what is in the tanks?

P. Herr states there is nothing now. It is his understanding that it is to be used for recycled antifreeze.

JM indicates it was his understanding that they would be picking up spills.

P. Herr states that would be restricted too.

AM questions what they would do with recycled antifreeze.

EM questions the retention.

P. Herr points out that the parking area in the drawing is gravel. The Board may want to allow it, but it requires a special permit. The parking location has 5 storage tanks. They are 6' in diameter and 15 -



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20' long.

EM would like a follow up done with information faxed to L. Ambler.

JM questions if the Building Inspector should take care of this.

EM states he is the enforcing agent. The Building Inspector is talking with L. Ambler about this. They are trying to file an injunction.

EM states the new interim inspector has started. He is following through on the new stuff. W. Arcand is following up on this because he dealt with it before.

P. Herr states that DEQE must be alerted if hazardous materials are to be stored.

EM states a number of serious questions must be answered in order to notify them.

EM states there are no calculations for the detention pond.

P. Herr points out that it is shown on the plan but there is no retention pond there.

EN states they should start with the Selectmen.

EM explains there are a lot of minor things such as streets and signs which are not shown.

P. Herr suggests a copy of his letter be given to the Selectmen with a request for them to pursue it.

EM makes a motion to send a letter to the Board of Selectmen requesting that they look into the problems on the site. Copies of the letter to be forwarded to the Building Inspector, Fire Chief and L. Ambler. He questions who the original letter should be sent to.

P. Herr states it should go to the Board of Selectmen.

EM states P. Herr's letter be sent with a cover letter stating the Planning Board is upset with the way this project was done since day 1. The site plan process has been treated as a joke. The submittals are incomplete and inconsistent. There has been total disregard for the process. What has been done is not in accordance with the plans which were submitted. The applicant has made a mockery of the system.



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P. Herr states the Board should understate rather than overstate. That would be sufficient. W. Arcand said he will not issue a permit to the 4th building.

EM states the letter should just state that what has been done is not in accordance with the plan which was approved. The drainage is not there.

### NEW ENGLAND COUNTRY CLUB - SIGN DECISION AND COVENANT

GG removes himself from the meeting.

EM reads a letter from the Conservation Commission, dated May 22, 1989, explaining a survey error. 2 house lots are not owned by New England Country Club. 1 lot is in flood storage. They will make the changes in the order of conditions accordingly. Lots 3 and 4 are eliminated. The changes do not affect the street layout. The applicant has drafted a decision with Town Counsel and P. Herr. They agree it protects the town and builders.

EM questions the number of copies.

G. Martinelli indicates there are two to be signed.

EM requests he point out the changes which were made.

G. Martinelli states they made a few more changes at the suggestion of P. Herr and L. Ambler.

EM states there were 3 - 4 minor issues pending. He questioned if P. Herr and L. Ambler were satisfied the changes were made.

G. Martinelli states the plan was changed since the Board last voted. He requests that J. Sousa point out the changes.

J. Sousa points out the new property line next to Cooks property.

EM reads letter from the Wrentham Planning Board regarding their request for Guerrier & Halnon to obtain information pertaining to this development. The Planning Board has no way to provide them with copies of plans.

P. Herr states the Board should suggest they advise Guerrier and Halnon to obtain information from J. Sousa.

JM questions why they are interested now. They were sent a notice of



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the public hearing.

P. Herr states they woke up to Bound Road as a means of egress.

EM states that someone would give up frontage if the road is improved and widened.

G. Martinelli submits the covenants and requests the Board sign the waivers. He asks them to formally vote to approve the changes on the new plan.

EN questions if it was all approved by L. Ambler.

P. Herr indicates that is correct.

JM makes a motion to reapprove the revised plan. EN seconds motion. Vote of 4.

G. Martinelli presents Form D-1. He requests the Board sign 2, 1 for the Board's file and one for the Town Clerk.

P. Herr states the applicant should have one also.

J. Sousa questions if they can set a time on the agenda for signing the plans.

EM states they can be given a tentative date provided there are no appeals.

P. Herr questions the number of sheets to be endorsed.

J. Sousa states there are 33 for the definitive, 105 for the whole set.

P. Herr questions if they are asking the Board to endorse everything. Will there be a signature block on all pages?

J. Sousa states they must sign the topo plans. 30+ will get signed.

EM states the Board usually keeps a copy but he will allow the applicant to send back a signed copy.

P. Herr states the signing will probably take a hour. The Board may want to do it on a night when there is no meeting.



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JM states it will only take 15 - 20 minutes to sign one set.

Members sign decision and waivers.

EM gives a tentative date of June 22, 1989 to sign the plans. He instructs them to lay the plans out in the other room so the members can sign.

EM questions if they must sign every page.

P. Herr states that everything to be recorded in the Registry of Deeds must be signed.

EM states the Board will sign what needs to be signed and stamp everything else.

### RIVERVIEW PARK PHASE VI - CERTIFICATE OF APPROVAL

JM removes herself from the discussion.

JM makes a motion to sign the decision for Phase VI. EN seconds the motion. Vote of 3.

EM questions how they can get an extension for the other phases. It has gone beyond the timeframe.

P. Herr states this a fairly serious problem.

EN suggests they ask L. Ambler how to handle this.

P. Herr points out that if the Board disapproves or approves with a lot of conditions, they could get constructive approval. The Board should put in a letter that they are relying on the applicant's oral agreement. However, further continuances will require that the extension be in writing. This should be checked with L. Ambler first.

EM does not know if the Board should say they are out of time. Letter to be sent to J. McGlaughlin.

### NORTHEAST ACRES

P. Herr lays out the plan.

JM and EN review it.

EM questions if the Clerk checked the September 1988 minutes relative to this project.



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Clerk states the minutes did not state site plan. They do discuss lighting and parking.

EM states those are issues dealt with at site plan review. He remembers approving the site plan.

### FAFARD - MAJOR COMMERCIAL COMPLEX SPECIAL PERMIT REQUEST

P. Herr states the drawings are outrageous. Buildings K & M have no frontage. They need to get a variance for the frontage since they have maxed the site.

EM questions if the Board could reject it.

P. Herr states they could, but he is not sure why. The topography is incomplete.

JM does not understand why inadequate drawings are sent with all the money that Fafard has. The Board should send it back and request they do it right. Why should the Board do work for them.

P. Herr states this is not a serious plan. The applicant is vesting his rights with this plan. The current estimate for improvements to Hartford Avenue is \$6 million. \$10 million is closer to it. He will go over it for completeness of plan and send a note to the Board. The Board should not deposit the check until they receive the note from him.

### NORTHEAST ENERGY ASSOCIATES

Clerk explains that the applicant's attorneys request a time on the agenda to sign the plans.

EM states they can come in on June 8, 1989 at 10:00 p.m. The Board has two public hearings that date. They can come in provided there are no appeals.

### CLIFF ESTATES

EM instructs Clerk to send a letter to the applicant stating that the Board must have a letter from the Highway Dept. prior to releasing em. It must be confirmed that the road was installed as agreed. 15% to be withheld 2 years after it is built until it is accepted at the town meeting.



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Meeting adjourned at 12:00 midnight.

\_\_\_\_\_  
Edward T. Moore, Chairman

  
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Glenn E. Gerrido, Vice-Chairman

  
\_\_\_\_\_  
Emile W. Niedzwiadek

  
\_\_\_\_\_  
Anne M. Morse

\_\_\_\_\_  
John P. Murray