



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

June 22, 1989

Meeting was called to order at 8:00 p.m. EM, EN, GG and AM were present. JM came in at 9:00 p.m.
Board's consultant, Philip B. Herr was also present.

Submissions:

erry Maher, Onallom Realty Trust, presents a road bond for Beechwood Condominiums.

EM requests a few minutes from Jim Reger before commencing the continued public hearing for Country Club Estates II. He questions if Mr. Maher has a cover letter of explanation.

T. Maher explains they have already released to 8. Now they want to do lot 7. They paved another 200 feet. It is all one lot with 200 feet of frontage.

EM questions what they are asking to be released.

T. Maher indicates it is lot 7.

EM states the Board can not release half a lot.

T. Maher indicates that is what is on the covenant.

EM states the lot is now 400 feet. They are only paving half of the lot.

T. Maher indicates that is correct.

AM questions if the lot is sold. She questions how they can only pave half.

EM indicates that 200 feet is the required frontage.



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AM states is is legally one lot.

EM explains they combined two 200 foot lots. He questions if they must pave the whole thing or only the required frontage.

P. Herr indicates that is up to the Planning Board. The real issue is whether or not it makes sense to stop there. The Board must assume they will not continue.

EM questions if they have a temporary cul-de-sac.

T. Maher indicates that is correct.

EM reads cover letter. He is concerned with doing it in 200 foot strips. He questions what happens afterwards.

P. Herr indicates the plan does not show storm drainage.

T. Maher explains it is flowing. The drainage is all in even where they have dirt and gravel. He points out the catch basin and drainage on the plan.

P. Herr questions if the water system is all in.

EN states it is not shown on the plan.

EM states they are posting a bond, not reducing. He questions how the Board will keep track of it in sections.

P. Herr indicates it is the Board's choice. They should send someone to look at the road.

GG does not see a turnaround.

EM indicates that it is not signed by the principle stating cul-de-sac. The letter by Sylvie Michelutti states that she will put in a cul-de-sac.

P. Herr states it is probably fine. Someone should look at the road.

EM request that W. Arcand inspect it.

Arcand indicates that he inspected 200 feet of gravel base which was accepted.

T. Maher explains they paved 200 feet of the required frontage. They



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want to release the lot so they can sell it. 3 lots are now 1 lot. They want to release 200 feet of pavement because of the 200 feet of required frontage.

EM states the estimate from the paving company is incomplete. They did not include labor. They included 15% for paperwork, but nothing for the labor cost. It is signed by LaRusso guaranteeing price and quote.

T. Maher gave all the information to the Highway Dept. It already has a base coat.

AM states they need an estimate for the top coat.

T. Maher gave all information to the Highway Dept. They wrote a letter.

EM requests that Mr. Maher come back with more information. The information required is stated in the town's bylaws for screen, berms, etc. There has to be enough money to allow for all of that.

T. Maher indicates that it is all included. He will get a letter from LaRusso.

COUNTRY CLUB ESTATES II CONTINUED public HEARING

EM explains that the Milford Daily News incorrectly printed that the public hearing was for New England Country Club Estates II. There is a problem with the name because it is so similar. This hearing is for Country Club Estates II which is off Rome Avenue on the right hand side of Paine Street.

Jim Reger, East Coast Engineering, spoke with the Town Engineer regarding the drainage calculations. He verbally relayed that there was no problem with the drainage. He requested additional information regarding the size of pipes. He will provide the information for him.

EM saw the Town Engineer this morning. He indicated that he was given the plan yesterday and he did not have time to look at it.

EM reads June 21, 1989 letter from the Town Engineer which indicated that the 10% runoff was acceptable. He is waiting for more information.

J. Reger indicates he gave the Town Engineer the information this morning.



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EM indicates that Cliff Matthews, Conservation Commission requested more information also.

J. Reger points out that all drainage calculations have been presented to M. Megalli. Any additional requirements by the Planning Board will be incorporated and given to C. Matthews. They already had an Order of Conditions one year ago with the Conservation Commission. They requested abandonment of a section of the road. That is why they are in with a double cul-de-sac. The Conservation Commission was concerned about the house built on Empire Circle. He walked it with the Conservation Commission and there was no problem. They are requesting an amendment of the Order of Conditions so hearings are required for lots 9A and 10A.

EM states that Empire Circle is an entirely different subdivision.

J. Reger explains it is part of the original subdivision but has since been bonded and released by the Planning Board.

EM explains that per the Conservation Commission, a house was built where it is not supposed to be.

J. Reger went out to review it with the Conservation Commission. There is no problem with the house. It was not built in the wetlands. They require a meeting prior to construction of lots 9A and 10A.

Monice Tradia, from the audience, indicates that she has a problem because the water table calculations which were done by Mr. Reger's company were off by 6 feet.

J. Reger indicates the water table was done in June 1987.

EM indicates that the Board is not into the question and answer period yet. That is a civil matter between Ms. Tradia and Mr. Reger's company.

M. Tradia indicates she is concerned because a couple of the lots are higher. She is concerned that it could be a problem.

EM questions the lot up above.

J. Reger indicates it is a completely unbuildable lot. There is a possibility it could be added into another lot or deeded to the Conservation Commission.



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EM states the Conservation Commission does not want the land.

J. Reger explains that he sat with M. Megalli for two hours going through the minutes from the last hearing line by line. He requested additional sub-catch calculations.

EM states that Mr. Reger is not showing the plan which M. Megalli showed him today.

J. Reger states it is very similar. He revised the plan to incorporate all the items which they are discussing. They incorporated a double catch basin at the intersection of the street.

EM indicates that M. Megalli questioned if the water could only go down the right and not the left with a double catch basin at Benelli Street crown.

J. Reger indicates there is no crown. It goes down the right.

EM questions if they will have one on each side of the corner.

J. Reger indicates that is information which he will give to M. Megalli.

EM states that maybe it should be side by side.

J. Reger is concerned about water flowing down the street. The other major item of concern was construction of the 3 foot wall going into the street. He modified the detail wall. The wall is considerably larger than required. They altered the detail of the wall and moved the sidewalk to the other side of the street. The wall is at least 3 feet from the abutters property line.

P. Herr asks if the road will be wider after the wall is in.

J. Reger explains that this morning is the first time anyone saw the revision.

EM states they can not expect to close the hearing now because they are presenting new information.

J. Reger feels they could close the hearing.

EM requests he put the revised plan up.

J. Reger states the Fire Chief agreed with names of Acorn and Walnut



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Circle for the streets. They will have a 3 foot exposed wall with 4 foot footing. The property line is 3 feet over from the edge of the wall. It is 7 feet from the property line to the edge of the pavement. They shifted the sidewalk to the other side to ensure no interference with the abutters property. They relocated the water line.

P. Herr states that he and M. Megalli have to look over the revised plan.

EM asks for questions from the audience.

Bob Harpin, 82 Benelli Street, questions if anyone is addressing the underground brooks.

EM does not know if the Town Engineer is aware of the location. He asks for Mr. Harpin's phone number so he and the Town Engineer can call him so he can point out the location.

Bob Harpin, 883-6284, states the brooks are at the corner of Rome Avenue and Benelli Street and also at the orange portion of the map at the cul-de-sac. 8 to 9 months out of the year, they have running water there. He will be happy to show them the locations any time.

EM explains that this parcel was never developed because of these problems.

Monice Tradia, 883-8776, states there are brooks near the foundation of her house. She had water coming through her heating system vent when it rained two weeks ago. She is at lot 13, 5 Empire Circle.

EM requests a motion to continue the public hearing to give the Conservation Commission time to review the information.

EN makes a motion to continue the public hearing to July 27, 1989 at 9:30 p.m. GG seconds the motion. Vote of 4.

J. Reger will make sure he has all the information for M. Megalli and the Conservation Commission since it is crazy to do it piecemeal. He only has two sets of revisions.

EM instructs him to make sure that P. Herr receives a set.

EVERGREEN CONSTRUCTION - DISCUSSION

EM explains to W. Arcand that there are two questions the Board voiced



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concern about at the last meeting. He reads letter to W. Arcand from the Planning Board, dated June 19, 1989, requesting an update on the site plan for Evergreen Construction.

W. Arcand explains he is working with Town Counsel who has been given all the information. The town is bringing him to court for violations of building the 4th building. The building was up before the applicant applied for a site plan with the Board. It is totally in violation. The applicant will not receive approval for the site plan.

P. Herr states he saw five tanks on the site.

W. Arcand indicates the applicant is coming before the Board of Selectmen to apply for the tanks. They are in violation because they are not on the site plan.

EM states that containment was built around the tanks. There is no parking.

GG states the modular home in the applicant's plaza should not be on concrete blocks.

W. Arcand states that is also in violation. No permit has been issued.

EM explains that when parking areas are disturbed, site plan review is required. The modular home alters the parking and can not be there.

L. Cibley talked with L. Ambler today. He is researching the town's rights. He questions if there is enough parking. He is not sure if cement blocks are allowed without a permit.

W. Arcand explains the structure requires a permit.

EM states that altering the parking requires a site plan review.

L. Cibley requests the Board let L. Ambler know.

EM states the Board will send a copy of the letter which they sent to W. Arcand.

L. Cibley questions if recycled antifreeze is a hazardous waste. The Fire Chief said no.

P. Herr states the Fire Chief is not an expert on this subject. Between now and Monday night, he will find out and fax the information to D. Fraine.



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EM states the applicant's trucks say hazardous materials. They are not allowed there.

L. Cibley explains the applicant is coming before the Board of Selectmen to request a permit for the recycled antifreeze. They must find out if it is hazardous waste. He requests that EM come to the hearing on Monday night.

JM enters the hearing at 8:50 p.m. and explained he was unable to attend the public hearing for Country Club Estates II because he is an abutter.

EM requests that W. Arcand look into Crestview Commons. The Board received a complaint about the retention area. He questions who takes care of it.

W. Arcand states it is a safety issue. Someone is liable.

STALLBROOK MARKETPLACE

CONTINUED PUBLIC HEARING FOR SPECIAL PERMIT, MAJOR COMMERCIAL COMPLEX

D. Dankens states this is a continued public hearing from the first hearing on May 25, 1989. The project is for 225,000 square feet of retail space at 495/Hartford Avenue. They submitted their definitive plans on June 15, 1989. They followed up on the traffic/water/sewer issues discussed at the last hearing. P. Herr had had a question regarding the water usage. Title 5 for water/sewer usage indicates they are within normal guidelines. There will be no adverse impact to the town. For the traffic issue, they are working with the town and an alliance of the 3 developers, NDA, Fafard all impact 126. The last traffic study meeting was held on June 16, 1989 when they discussed a workable timetable. NDA will follow through on the initial comments for improvements for Phase 1. They will work with the other developer opposite to have the impacts to 126 minimized. They want to do the road improvements in one shot rather than piecemeal. No final document has been drafted yet relative to the traffic. They are working on it. They filed through the state process for Section 61 and are getting approved. This process ties the MEPA process together for environmental impact. They submitted to the DPW, Tom McGlaughlin. The issue tonight is where to go from here. They have completely satisfied the special permit conditions. They are willing to make conditions to work with the town and other developers. The initial phase for work on 126 will encompass all the projects.

EM was not able to attend the last Friday traffic meeting. He



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questions if P. Herr attended.

P. Herr is confident they will work out the issues. Route 126 is in the restudy process. This project is ahead of all the other projects. So far they have not heard from B. Campbell on whether or not the improvements proposed by NDA are compatible for a first step in light of the larger scale improvements. He feels they are but B. Campbell and Associates has not agreed or disagreed. The complicated question is what happens afterward. This project will impact west of the interchange.

D. Dankens states they propose to fund the engineering dollars to study the southbound ramp.

P. Herr states the others are office buildings and will not be Major Commercial Complex. The Board will not be able to regulate them with a special permit. They will not require special permit.

Bob Fishman, attorney for NDA, explains Section 61 requires they go to the state Dept. of Public Works.

EM states they will not have to come to the Planning Board other than for a site plan review.

B. Fishman points out that the bylaw does not require special permit. The issue is the B. Campbell process. They do not know how soon, if ever, the other developers will build.

EM states the Board must assume that some thing will go in. A formula must be worked out which ties it together.

D. Dankens states they are working towards closure. They will work out a time table with the various developers and commitment of money for traffic improvements.

P. Herr states the 3 developers will have to supply a number of millions of dollars. This is large scale. There are two special permits involved including Fafard's. A big part of this will not require special permits. The Board will not have that as leverage. It is a good faith process between all. Some may reconsider because of the cost of improvements. Real closure may be months away. It may require that the town agree to it at a Town Meeting.

EM points out they can not make the first guy wait until everyone is ready.



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P. Herr states they are close to working it out.

EM indicates the only chance the Planning Board has to regulate is through the special permit process.

P. Herr states the Board can not hold up the shopping center until they get assurances on what may or may not happen with the office buildings. It is a very exemplary enterprise. He is uncomfortable with approving tonight. They could approve at the next meeting.

EM states this is the only chance they have to protect the town.

P. Herr states the town will not fix the road. They are caught in the MEPA process if the road is not adequate.

B. Fishman states this entire project has been fully through and approved by MEPA. The later phases require site plan review. They are subject to a DPW permit with conditions which regulates and commits the landowner.

EM is confused by P. Herr and B. Fishman's comments regarding MEPA.

B. Fishman explains that the DPW is an independent authority regardless of the MEPA process. It requires more of them not only based on the present project. DPW will tell them to do more if it is not adequate.

D. Dankens feels their project is being slighted. They are going through with the deal with B. Campbell but the information is not all at the same level. They are looking past all the good work which they have presented in favor of some project which may still be poorly defined in the future.

P. Herr states they can not clip modular improvements to the road.

D. Dankens explains that Section 61 requires the DPW to be aware of all of this. If the level of improvements which they propose are inadequate, the DPW will come forward and tell them to do more. The town is protected in a way by the state. The town can not afford to keep the expertise in house.

EM reads letter from the Fire Chief indicating that he endorses the concept of the project. He will reserve his comments until the definitive stage.

D. Dankens states the Fire Chief will go over the effectiveness of the



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safety. He met with the Fire Chief and discussed how Phases 2 and 3 will work. There are no other ways to access the property. He does not see that the Fire Dept. would be able to get access to the property.

EM states the Water Dept., in their letter, did not refer to water, only sewage. He talked with the Water Dept. today and questioned the water usage. They indicated there would be no problem with 40,000 gallons per day.

D. Dankens explains that 9,000 is for the first phase. It is 40,000 total for all 3 phases.

EM states the Water Dept. approved this and will follow up with a letter. There was concern over the capacity, but they indicated it is there. They must grant it on a first come, first served basis.

M reads letter from the Board of Health indicating that a meeting is scheduled for July 1989 which will enable them to comment to the Board within the required 45 day time period.

JM questions traffic improvements.

Bill Roche, Vanesse, Hagen & Associates explains they have a phased improvement plan which goes along with the phases of the project. He explains Phase 1 improvements to Route 126. Today 126 is a 2 lane roadway with a sharp curve at the cemetery. They will probably address that problem by changing the grade. They will reconstruct a piece of the cemetery wall. The whole roadway will be widened to a 4 lane configuration. They will have a right turn channel which will turn into the site. Two lanes will continue through. It will be restriped from the bridge to 495. Two lanes will always be going through.

EM questions when the road improvements will be done.

B. Roche explains it would be concurrently. The improvements extend to the state portion of 126 so they are required to meet Section 61 of the MEPA process.

EN questions the opposite entrance. Will it be smaller or just as wide?

B. Roche states that is not defined at this point. It is now a dirt path. They will situate it opposite and integrate it with the signal if it becomes a reality.



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EN wants to ensure that the roadway will be opposite if a road goes in there.

B. Roche explains that it could be further improved later with turn lanes and channelfiguration.

JM questions what happens at the intersection for the other side of the building.

B. Roche explains they will continue 4 lanes over the bridge with one left turn lane over the ramps. They agree to fund the engineering dollars for improvements for signals at N. Main Street.

JM states they could use a signal without the other proposed shopping center.

Debra Manning, Hartford Ave., abutter, questions how far they will be widening the road at the cemetary.

B. Roche responds the total improvements will be 2,000. The access drive for Phase 2 will drop before the high tension wires.

Debra Manning states that she directly abutts the area.

B. Roche explains that Section 61 requires they bring improvements down to the site driveway.

D. Dankens states there will be no takings for Phase 1.

D. Manning is questioning the takings of frontage for the whole project.

B. Roche states there will no takings or pushing back of the roadway. They will not be doing anything in front of the houses.

P. Herr states B. Campbell and Associates may want to do something different. They can not give assurances. He suggests the Board schedule this hearing to the same night the definitive subdivision hearing is scheduled.

EM states they can continue both to August 24, 1989.

P. Herr indicates they will have another meeting for the Route 126 study before then.

D. Dankens indicates the meeting is not scheduled yet. They are



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waiting for the draft report.

P. Herr suggests approval after the meeting to put together the draft for traffic mitigation.

B. Fishman thinks they have complied with the requirements for the zoning bylaw. They have satisfied the design and safety issue and will participate in improvements at other locations.

P. Herr explains that the town hired an engineer with the applicant's money. He has not signed off yet on the right way to begin the process. It would be crazy to lurch into the decision without allowing B. Campbell the opportunity to come up with a plan. He suggest they draft a decision with conditions including traffic mitigations for the special permit for the shopping center.

Dankens states they can take a shot at that.

B. Fishman questions how they will create a deadline so this will not be an open-ended process.

EM states the Board is giving them the chance to put down their draft decision first so they can present it to the town and other developers to find out if they agree or disagree.

JM makes a motion to continue the public hearing to August 27, 1989 at 9:00 p.m. GG seconds motion. Vote of 5.

GG makes a motion to schedule the public hearing for Stallbrook Marketplace definitive subdivision plan to August 27, 1989 at 9:30 p.m. AM seconds motion. Vote of 5.

EM declares 5 minute recess.

RIVERVIEW PARK - PHASES 3 AND 4 CONTINUED PUBLIC HEARINGS

EM opens the public hearings. AM removes herself from the hearing.

B. Lord explains they worked in an easement within the plan for widening Maple Street on Fafard's side. It will not infringe on Mayewski development. They will have the same thing for High Street. They request one month delay to adjust the plans and obtain approval from M. Megalli. They want to obtain the easements for properly defining the roadway to be widened without infringing on people that live there.



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EM reads June 20, 1989 letter from M. Megalli. The letter is a progress report explaining that the plans will be revised and resubmitted. EM reads June 22, 1989 letter from the Conservation Commission referring to a new ENF. They will consider a reduced scale alternative for ENF.

B. Lord states they comply with MEPA. They need to obtain approval on the definitive before submission of the other permits. They are waiting for the traffic study for Hartford Avenue. They are going forward but it is in the works.

EM questions the length of the extension.

B. Lord states it would be a one month extension.

EM questions if they have cleared up the information which was to be submitted for Shoppes at City Lights.

P. Herr indicates it was just received. He has not reviewed it against the checklist yet. They probably submitted enough information to go forward with the public hearing scheduled for July 27, 1989 at 8:30 p.m.

John Noonan, Fafard, states he would prefer scheduling it for August 24, 1989 to give the Town Engineer time to review the information.

EN makes a motion to continue the public hearing for Riverview Park, Phases 3 and 4 to August 24, 1989 at 8:00 p.m. JM seconds the motion. Vote of 4.

P. Herr states the impact study for the Maple Street area shows what could happen. It is a joint study funded by the Towns of Franklin and Bellingham. D. Fraine was supposed to come to the meeting tonight to explain that the funding will be split between both towns. \$2,500 per town. \$5,000 for the total study to prepare a scenario on what could happen from one end of Maple Street to the other.

EM explains the Planning Board will support \$1,500 and D. Fraine will take \$1,000 out of his budget.

Mr. Mayewski questions if this is a planning or traffic study.

P. Herr states it is a planning study.

Mr. Mayewski questions if they will actually do a traffic analysis.



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P. Herr explains they will put the area on drawings and pull the maps together for the whole area from the Franklin side to the Bellingham side for trip generation.

Mr. Mayewski questions if they will be identifying the actual daily trips generated.

P. Herr indicates that is correct.

EM explains that P. Herr is also the consultant for Franklin and, therefore, has access to their information also. This is the perfect time to do this.

EN makes a motion to allot \$1,500 from the Planning Board budget to fund the Maple Street Study. GG seconds the motion. Vote of 4.

Steve Racicot questions if they will clarify areas for traffic, sewer and water.

EM will give him a copy after the study is completed.

BROOK ESTATES - DISCUSSION

AM returns for the discussion.

Huna Rosenfeld requests an extension for the special permit.

EM states that he can not request the extension because it was granted to Goduen.

H. Rosenfeld explains that he now owns Maillex Realty Trust. That want to finish what they have going first. They are working on the second phase of Bellwood.

EM questions how many they are working on.

H. Rosenfeld responds they have 5 all together but are only doing 2 because of the sewer. Then they will begin Brook Estates. He had an accident in February 1989 when he hit a tree. He spent 10 days in Mass. General. He had open heart surgery after the accident.

EM explains they have to show good cause in order to grant the extension for another year.

JM states that they want to wait for the sewer rather than going



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septic.

EM suggest they run it by Town Counsel and work it out between their attorney and Town Counsel.

H. Rosenfeld states the permit will expire on July 1, 1989.

P. Herr states the Board can accept good cause because they are integrating this development with the one adjacent. The public welfare is better served by delaying initiation of this development.

EN makes a motion to approve an extention on the special permit for Brook Estates subject to review by Town Counsel. GG seconds the motion. Vote of 5.

P. Herr would like to schedule a time to discuss the draft subdivision regulations which he submitted. He will circulate it to the other town officials and ask for their input. He will inform the Town Engineer and Conservation Commission when the discussion will take place.

EM questions if they could put in a bylaw to do away with retention or detention ponds.

P. Herr responds that they can not since they have to have something. He suggest the Board schedule a special night to discuss the subdivision rules and regulations.

EM schedules the discussion for September 21, 1989 at 8:00 p.m. to go over the draft subdivision rules and regulations.

Members sign plans for New England Country Club.

Mail/General Correspondence.

Meeting adjourned at 11:15 p.m.



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Edward T. Moore, Chairman

Glenn E. Gerrior
Glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiadek
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Anne M. Morse
Anne M. Morse

John P. Murray