



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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ANNE M. MORSE
JOHN P. MURRAY

MINUTES OF REGULAR MEETING

September 14, 1989

Meeting was called to order at 8:10 p.m. EM, GG, EN and AM were present. JM came in later.

EVERGREEN CONSTRUCTION - SITE PLAN DISCUSSION

Donald Troast, represents Evergreen Construction Company, and is here to discuss the site plan for William Way. At the last meeting, the Board decided to send a letter to M. Megalli, the Town Engineer, for details as far as what he was looking for so he could begin a review of the plan. The Board received the letter and he received a copy of the letter as per the Board's direction. The letter does not give him any more details as far as what Mr. Megalli is specifically looking for. He would like to suggest they have a meeting together. It is getting quite confusing with so many people saying different things. It would be very difficult to resolve the site plan review process. At EM's direction, he would like to request a meeting with M. Megalli. It is his understanding that if 3 members were present, it would then constitute a public meeting. He suggests they have a special meeting above and beyond the Planning Board meeting since it may take some time to resolve all the issues or if a member of the Planning Board would like to be present at a meeting with M. Megalli and himself so everyone is on the same wave length as far as what can be done to resolve these issues. He is interpreting M. Megalli's letter as best he can and adding in the things he thinks M. Megalli was looking for. There are actually only two things: one was a set back line and the other thing was building elevations. He is adding those to the plans. There also seems to be some confusion as to what is and what is not on the site. His major problem is he can not do an as-built plan of things which are not there yet.

EM spoke with M. Megalli after speaking with D. Troast this morning. He is looking for the as-built with everything which is built and on the site up to this point. He said you should do a plan with everything already presently there and then add what is proposed.



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D. Troast questions if that should be on a separate plan.

AM states that is the problem. It should be on one plan showing what is built and what is proposed.

D. Troast indicates that is basically what they prepared. He is making a list to go with the plans stating what is existing and what is proposed. Mr. Megalli and the Board will know exactly what is there and what is proposed.

EM states it will be one plan showing the entire lot. Rather than having a special meeting, the Board could probably give him agenda time during a regular meeting.

AM does not know if M. Megalli can attend a Planning Board meeting at night.

EM states they would have to clear it with him beforehand. It should also be a meeting when P. Herr is present.

D. Troast will send the revisions and the list as well as all the updates to the Planning Board, P. Herr and to Mr. Megalli.

AM questions if he has shown the plans to M. Megalli.

D. Troast indicated that he did but M. Megalli would not really review it until he had everything that he needed. I felt like I gave him everything he needed.

AM questions what M. Megalli said he needed.

D. Troast explains that was the purpose of the letter from the Planning Board to Mr. Megalli.

AM questions if Mr. Megalli had seen the plans with everything on it.

D. Troast responds that he did not. The Board's Clerk called him on Tuesday to tell him that the Board had received it.

EM states that at the last meeting, AM had suggested they send a letter to Mr. Megalli to find out what he wanted. Clerk did that and received a response from M. Megalli, a copy of which was given to D. Troast.

AM questions if D. Troast has a copy of the response.

D. Troast states that the Town Engineer only mentions wanting an



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as-built.

AM explains that means only of the existing buildings. It is understood that he can not do an as-built of something that is not existing.

D. Troast indicates that everything that is existing is shown on the plan.

AM questions if that includes the proper elevations.

D. Troast states that is correct.

AM states it sounds like he has done what Mr. Megalli asked and just needs a review with him.

D. Troast was waiting to receive the response from M. Megalli. He was hoping it was going to be an itemized list.

AM states that from what she understands, Mr. Troast has done what Mr. Megalli is looking for.

D. Troast will review it with the Town Engineer.

EM reads letter dated September 11, 1989 from the Town Engineer. He addresses the deficiencies with the plan.

AM states the letter is specific. It sounds like D. Troast needs to go back to the Town Engineer and show him the plans and review it.

D. Troast just received the response Tuesday.

AM believes the response is pretty well itemized.

D. Troast does not agree. Mr. Megalli is reiterating what is in the site plan review process as layed out in the bylaws.

EM questions if that is on the plan.

D. Troast that it is.

AM questions if it was on the plan before.

D. Troast states the one thing which is missing on the plan is the limit of the building area. He construed that to mean the setback line. He put the easements on the plan. They have always been on the



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plan. He put the setback lines on the plans and he put the building elevations on the plans.

AM questions the easements.

D. Troast responds there is the gas easement and the Boston Edison.

AM thinks that one of the plans showed only one easement at one time.

EM states that is one of the things which was brought up by P. Herr at the last meeting.

D. Troast is putting together a cover letter which will outline the existing and proposed, the building location shown on his recent plan which is the plan which they submitted and the 81-P plan which the Board would not sign. Those buildings were also located within the field.

AM questions if all the tanks were shown.

D. Troast indicates that is correct.

AM states it sounds like D. Troast is doing what is requested. It is a matter of showing it to M. Megalli. He can not comment on something he has not seen yet.

D. Troast was waiting to get a response from Mr. Megalli which came on Tuesday. P. Herr would have to see it as well. There is no way to send plans to him and have him comment on them if he only gets them the day of the meeting.

AM feels that D. Troast should set up a time to review it with Mr. Megalli.

D. Troast will make an appointment to speak with Mr. Megalli. He requests a time during the next meeting.

SHOPPES AT CITY LIGHTS
SPECIAL PERMIT - MAJOR COMMERCIAL COMPLEX
CONTINUED PUBLIC HEARING

EM reopens the public hearing. He explains the question and answer procedure.

B. Lord, Esquire, representing Fafard Company. Donald Seagrave and Jim McGlaughlin of Fafard Companies are also present. At the last meeting



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they made a presentation relative to the technical aspects of the plan. The concept is for a retail shopping plaza along a subdivision road to provide a shopping area with dispersed buildings with barriers to discourage pedestrian traffic with the island concept. They would be limiting access into the various areas to provide a 420,000 square foot retail space along the entire aspect of it. They met with all town boards. They had a meeting with all town departments together last Friday. They made some changes in the most recent plan to take into account the gates that the water department wanted as well as hydrants and other things. He feels they have answered all questions. The only aspect which will have to be deferred until site plan review is relative to pedestrian controls. The only other issue which is outstanding is traffic mitigation for which they are participating in a plan with Bruce Campbell & Associates, the town and other developers in the area. They have indicated they will comply with the results of that. They would have to come back to the Board. That traffic plan is ongoing. They have written up a sample special permit decision based on the traffic plan which was presented to Stallbrook Center. He requests the Board's permission to forward the sample special permit decision to P. Herr for his review. There are a couple of aspects of the decision which he would like to point out. He points out something which P. Herr had suggested they take out. Before taking it out, he would like to point out, that reducing the square footage would also reduce the mitigation factors. He points out the part which can not be developed without a further subdivision. They are willing to accept the provision that it not be developed until the subdivision is there. On the last page, section 5, indicates that Phase 4 is there for purposes of deciding the square footage, but can not be developed until a subdivision plan is put forward. That would work to the benefit of the town and would save them time coming back at a later date with a different plan. It is clear there has to be a subdivision on this area and there have to be site plans presented on this before it can be developed. The advantage is that the square footage would also be taken into account with the traffic mitigation. That is a distinct advantage as far as the town is concerned. The other problem is relative to the zoning. The approved subdivision plan freezes the zoning. We have suggested in there that a section be required in any subdivision that is approved that would require a waiver of the provisions of the general laws so the subdivision would be effective as of the date that it is signed. The reason they do not want to submit the final subdivision plan for approval now is because of the extension of the road. They would also have to change the detention wall. Other than that there is no change.

EM questions where the end of Phase 1 is.



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B. Lord points out the end of phase 1 and the end of the subdivision road. We would like to show in addition to that is the extension of the road for the final. The drainage is presently shown on the subdivision plan.

EN questions if the land is all under one umbrella.

B. Lord responds that is correct. The proposed decision is along the lines of what was submitted to Stallbrook. It is a fair way to go. They are willing to accept the provisions the Board puts in for this particular project. The entire proposal from the intersection of North Main Street to Hartford Avenue is a fairly inclusive one of what the two developers are dealing with as a partial phasing of it. Basically, they have been working on the phasing for the other side. They are in the process of providing the phasing on this side.

EM questions how the entrance relates to Stony Ridge Village.

B. Lord states the gentleman from Stony Ridge Village has been at a couple of meetings and he indicated that if they eventually go forward with Stony Ridge, they would like to move the entrance.

EM states the total square footage is 420,000. He questions if that includes all phases. He questions the number of parking spaces.

B. Lord indicates that is correct. There will be about 2100 parking spaces. That will be further discussed at site plan review. The plans which have been presented to the Board have a breakdown of the phases and the number of parking spaces which are there.

JM questions the prospective tenants.

B. Lord states they have no prospective tenants at this time. They are looking for a good mix. It will be similar to the Super Stop & Shop and Zayre plaza in Milford. The variation will be layout of the stores will be connected in an L-shape. They are trying to maintain the integrity of the roadway. It is to the benefit of the town to maintain the road. These types of plazas will have more of a specialty shop.

EM reads letter dated September 11, 1989 from the Highway Dept. The plans were reviewed with Makram Megalli, Town Engineer. Gerald Daigle, Highway Superintendent indicates that he reserves the right to future consideration on any change in the plans. The Board has not really heard from Bruce Campbell & Associates regarding this particular area. That will be necessary before anything is done.



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B. Lord states they had expected the traffic committee would be meeting sometime in August. They want to get into details relative what aspect of that area would be required during the phasing of this particular development. The funding has been discussed as it appears for the proposal across 495. It appears they are going heavily into present traffic projections.

EM questions the trip generation for this project.

B. Lord indicates it is about 700 for peak hour.

EM questions what the total is for every day.

J. McGlaughlin indicates the total is about 17,000.

B. Lord states the projected is 17,578. They are looking for a project which is large enough to attract a good store mix.

EM asks for questions from the audience. He talked to P. Herr today. He did not have anything new. He did not know what was happening since they were here last. The Board also has not heard from Bruce Campbell & Associates. They will have to continue for another time.

B. Lord requests the last meeting in October.

EM does not know if they can hear from Bruce Campbell in that amount of time.

EM questions the time limit for the special permit.

B. Lord states the time limit is for after the public hearing is closed.

EN makes a motion to continue the public hearing to October 26, 1989 at 8:00 p.m. JM seconds. Vote of 5.

EM explains that the Board wants to see the project coordinated. They do not want to see it dug up once for NDAI and then again for this project. They would like to do it all at once.

EN questions the extension for Riverview. He reviews the extensions granted to October 13 for Phases 3 and 4 and November 30 for Phases 1, 2 and 5.

B. Lord states that Phases 3 and 4 are on the agenda for the next meeting. Since the Board will only have 3 members at that meeting,



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they would prefer rescheduling that meeting to the last meeting in October. They prefer to have 3 and 4 as quickly as possible. They would like to hold it on October 26, 1989 along with this project. That would probably work out best.

EM suggests he contact Clerk to discuss rescheduling.

EN points out that the extension will have to be changed.

B. Lord states they will be happy to change the paperwork.

STALLBROOK MARKETPLACE
SPECIAL PERMIT MAJOR COMMERCIAL COMPLEX
CONTINUED PUBLIC HEARING

AM removes herself from the hearing for the record because she has a personal conflict which she feels will make her bias. She will not stay in the hearing.

EM questions if she will hear the definitive subdivision for Stallbrook.

AM is removing herself on anything which Stallbrook involves.

EM explains to D. Dankens that special permit require 4 out of 5 votes. It is the applicant's option to proceed with four members or not. If he proceeds, approval would require the unanimous vote of 4.

GG states there is nothing the applicant can do.

EM states the Zoning Board has alternates in a circumstance like this. The Planning Board does not have alternates. He mentioned looking into that to the Board of Selectmen.

David Dankens indicates they made some comments relative to the last document which was circulated by P. Herr. He requests an extension so they can work out the language relative to the special permit decision. He would like to continue to the next available hearing.

EM indicates that he will not be at the meeting on September 28, 1989 and GG will not be able to attend. The Board would have a quorum for that meeting but not for this particular hearing. The Board could hear it on October 12, 1989 at 8:00 p.m. We have some correspondence relative to the special permit.

GG states it is a letter from M. Megalli suggesting they continue.



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D. Dankens thinks October 12 may be the final time when they can get everything done.

EM states that Mr. R is here from the Water Dept. He questions if he attended the special permit part of this proposal. He was wondering if the cul-de-sac goes into lot 2.

D. Dankens questions if he is referring to the subdivision.

EM questions if he is here on the subdivision or the special permit part of the proposal.

Mr. R states he is here for the subdivision part.

EM explains that is an entirely different hearing which is not on until 9:30. The Board can not speed them up when they have been continued.

EN makes a motion to continue the special permit for Stallbrook Marketplace to October 12 at 8:00 p.m. GG seconds. Vote of 4.

EM explains that the traffic engineer and the consultant need more time to work on this decision. They asked the Board to continue. The Board can put conditions on approval with a special permit. The applicant has to live with it or they can not do what they want. The Definitive Subdivision public hearing can not begin until 9:30 p.m.

EM discusses the N. Main Street Plaza site plan. A variety store is moving in. It has never been approved. The Board recommended no occupancy permits. There are a couple more industrial buildings being built on Farm Street.

EN suggests they send a letter to the Selectmen. They are the enforcing body.

EM states the Board did send a letter.

GG asks L. Cibley what the town is doing about the problem with the traffic lights in front of town hall. Backups are worse now with lights than they were with a cop.

L. Cibley states it was brought up at their meeting. It is a problem especially early in the morning. One thing they wanted to do was change the blinking light from 7:00 to 8:30 a.m. The engineer came down and looked at it two or three days ago. He said the yield sign would make a lot of difference. He made the green arrow turning left



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going on for longer in the morning between those hours. The engineer said the only other possibility was to do something with the island out here to stop the congestion of traffic up ahead.

EM questions which island he is referring to.

L. Cibley states it is the monument. Coming up 126, people do not see the traffic.

GG questions why they did not make the light stay green for longer turning left toward Milford because everyone is going that way in the morning.

L. Cibley indicates that was done now. The green arrow allows people to make the left turn without any traffic going the other way. Otherwise you have to break in.

GG states this afternoon, he was backed up to the hill station. A trailer truck was trying to make a turn. All the traffic which had the green light going south had to stop. By the time, the trailer truck made its turn, the light was red again.

L. Cibley when a car turning left comes up to the light, a green arrow will come on. It is a real headache. They do not know what they are going to do. They called the state engineer. He was here Wednesday and Thursday. They are discussing the problems and will bring it up at the next meeting.

GG thinks the state should give the town the money to pay for a cop there. The cop worked better.

L. Cibley asked the Chief if he would do that. The policeman there in the morning only made it worse because when the light changed, the cop could not get in there to direct traffic because it was full. He asked him to at least get somebody there on the side walk to try and make the right turn.

GG states that traffic is shorter going down 140 than 126. People are still making the right hand turn and cutting into Almacs.

EM asks Mr. Cibley if he brought up the subject of the Planning Board having an alternative with Town Counsel.

L. Cibley has not brought that up yet. He personally thinks it is a good idea.



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EM states that JM and GG brought up a point when they said they called the Ethics Commission when they thought they were in conflict. They had to state their reason. He did the same thing on Maplebrook because he is an abutter. Is it sufficient to just get up and say personal reasons.

L. Cibley does not feel it is sufficient although it is not a conflict.

EM explains the Planning Board sent a letter to the Building Inspector and the Board of Selectmen regarding the N. Main Street Plaza and then the Board sent a follow up letter asking what is happening. Now they are moving in refrigeration equipment for a variety store which is another business.

B. Lord explains they are not occupying.

EN questions why they are moving in now if they are not going to occupy now.

B. Lord states an occupancy permit would allow them to open the door but they can move equipment in.

EM states they could also straighten out the problems which have been present for the last three years.

B. Lord explains there is a problem and it will be done.

L. Cibley states they will not be allowed to open that variety store.

EN indicates they said the same thing about the video store.

EM states he can look back in the records to last fall where the owner said winter was here and he could not correct the problems. The same thing will happen now.

L. Cibley states the video store was given a special conditional permit after it was a comedy of errors which let it in in the first place after discussing it with Lee Ambler. There were conditions made. If the parties do not live up to the conditions, they will close the store.

EM states the Board is not looking to hurt the guy who is renting the space for his business. They want to get the guy who owns the place to do what he was supposed to do.



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B. Lord is supposed to sit down with the engineer tomorrow afternoon.

EM points out the next business should not get a special conditional permit.

L. Cibley explains the Building Inspector is well aware. The owner knows he can not get occupancy permits.

EM states there are 3 new industrial buildings on Farm Street which have not had site plan reviews.

L. Cibley believes that is up to the Planning Board.

EM states the Board is not the police.

EN states the Board sent letters.

L. Cibley indicates it is the Board's civic duty and responsibility if they see something wrong to tell the Building Inspector.

EM states that he does tell the Building Inspector but he then denies talking with him.

W. Arcand states the permit was given for Farm Street before the new law.

EM questions what building the permit was given for. Now there are two more buildings.

B. Lord states it is under a zoning freeze for less than 19 cars does not require site plan.

EM does not believe that. He believes the use was frozen by doing 81-Ps for those lots. It did not exempt them from any new laws or complying with any laws. He questions if it also froze them from having to have a public hearing to cut the trees. That is a scenic road.

W. Arcand questions who is responsible for the trees on Farm Street.

EN states the Tree Warden is responsible.

B. Lord states that someone has to cite him.

EM states he was cited for one tree last time for \$500. Now he has cut in another road.



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L. Cibley reiterates that if a Board member saw the problem, they should call it to the attention of the Building Inspector. He may not have been aware.

EM questions how the Building Inspector could not know when he is the one who gives building permits.

L. Cibley states the Building Inspector does not know when they cut down trees.

EM states that W. Arcand gave a permit for one building in April. He questions the other buildings which are there.

W. Arcand states the second building is legal. It is the third building that they have a problem with now.

EM thought that when someone went to the Building Inspector for a building permit, the Building Inspector would be aware that they are going to do something.

W. Arcand indicates that the bylaw states it is the Tree Warden's responsibility.

EM questions if the Building Inspector should point out to someone that they would need a permit to cut trees on a scenic road.

L. Cibley thinks the Building Inspector would do it as a matter of courtesy. It is not a matter of law.

EM points out the Building Inspector would have to see if it is in compliance with zoning and the scenic road is a zoning bylaw.

L. Cibley states the Building Inspector is not allowed to give out any building permits unless the Zoning Agent signs off first.

EM feels that everything happens after the fact. Why do they have to wait until a tree is cut to tell them they can not cut trees. The town is going to run into this on Maple Street. The Board has a number of complaints from Crystal Springs residents regarding the developer who is the same person who continues to cut down the trees. The developer just cuts them any time he wants to put in roads. He has been doing that since EM got on the Board.

EM further states the buildings are occupied. He questions why they have occupancy permits if they do not have the screening.



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L. Cibley personally went to EM and asked him to put down these complaints in writing for a meeting with the Building Inspector. The Board did not respond.

EM states these are new things.

L. Cibley feels that some of these deal with old things. He received a list from the Zoning Board, but did not get one from the Planning Board.

EM thought he wanted a letter from him personally. If he had known that he wanted a letter from the Board as a whole, they would have complied.

L. Cibley suggests they call the Building Inspector if they have problems and sit down and talk with him about it. He used to come to the meetings.

EM states if Farm Street had a site plan review, the Board could have pointed out that the trees were at the entrance. Every time the Building Inspector comes in and says it is 19 parking spaces and only 20 and up require site plan review, they get around it.

L. Cibley suggest the Board write a letter to the Building Inspector and carbon copy to the Board of Selectmen to ask them to investigate whether or not an occupancy permit was given.

EM does not feel it is the Board's job. That is why the town has a Building Inspector and Zoning Agent.

L. Cibley states the Building Inspector may not be aware of the problems.

EM points out that the Building Inspector gave the permit. If he had inspected it, he would have seen where it was.

L. Cibley does not see how the Building Inspector would know if someone occupied a building if only a building permit and not an occupancy permit was issued.

EM thought that the buildings had to be inspected. When he put an addition on his house, the wiring inspector, the plumbing inspector and everybody else came and signed off. He thought it was the Building Inspector's job to go to inspect the site, check the foundation and the building. He does not understand why he has to tell the Building



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Inspector that there is something wrong when he should know about it himself.

L. Cibley states that is something EM should go before the Board of Selectmen to discuss.

STALLBROOK MARKETPLACE DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING

D. Dankens explains this is a continued hearing from August 24 which was the initial hearing on the Definitive Subdivision. At that time there were still outstanding questions regarding the definitive. They have met with all of the reviewing agencies in town i.e. the Sewer Commission, Conservation Commission, the Board of Health had already signed off, P. Herr, the Police Chief and the Fire Chief. They attempted to take the set of plans which were initially presented to understand where the comments and concerns were so they could subsequently change their plans to encompass those comments so they could come before the Board with the changes. They have letters indicating the various Boards' reviews. They have satisfied the conditions of all of the Boards. Town Engineer sent a letter today. He has a number of conditions, all of which are acceptable to them and will be on the mylars. The Planning Board had no particular comments although P. Herr had a number of comments. Those have all been dealt with in the first draft. He had no subsequent comments. The Conservation Commission was consulted last evening. They sent a letter saying the plans are o'kay. Water and Sewer Commission was consulted the evening before. They have not produced a letter yet. Sal DiGregorio is here to give an assessment of where that Board's review is. The Board of Health has already sent its confirming letter. Fire and DFW likewise. Those Board's and other agencies have made some minor comments to the plans. If the Board wants him to go through the specifics on what those questions are, he will.

EM states he has to read the letters in for the record. He reads letter dated September 15, 1989 from Gerald Daigle, Highway Dept. which indicates he has no comments relative to the plans at this time. However, he would like to reserve the right for further consideration once the Bruce Campbell traffic study is done. EM reads letter dated September 12, 1989 from the Police Dept. wherein it was indicated that the safety concerns have been sufficiently addressed at this juncture. He reads letter from the Conservation Commission dated September 14, 1989 wherein it was indicated that any issues relative to wetlands can be handled with the Notice of Intent. He reads letter from the Fire Chief, dated September 14, 1989. The Fire Chief indicated that the



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original plan showed one tie for water distribution in to Hartford Avenue and ending in a dead-end. In his opinion, the project must be looped with one tie in to assure adequate fire protection. If there were a water main break along the main entrance, there would possibly be no fire protection for the whole development. Mr. Dankens agreed to loop the water service to achieve the above goals. He reserves the right to comment further on hydrant distribution at site plan review process.

EM questions if the Water Dept. is in agreement about the water loop.

? indicates that is correct.

EM states the Board will put a condition in that the water be put in subject to the Water Dept. approval.

D. Dankens states that will be on the final set of plans. It will be on the mylars at the time it is ready for signatures.

EM questions how they will do the looping with the phases.

D. Dankens states they can maintain fire fighting pressures for the single loop at about 1500 gallons per minute and 20 psi. Out of the street right now out of 2 individual lines there are roughly 1300 gallons per minute and 85 psi which is very high. They changed the plans. Instead of having the looped system as part of the original easement plan giving water to Phase 1 as well as Phase 2, they will put in an 8 inch line right at the right of way at the recommendation of the Town Engineer and the Water and Sewer Commission. They will offset off the center line of the roadway 250 feet which brings them almost to where the original easement was. They will bring a stub in as part of the first part of construction. The project will be looped automatically as the retail project is underway and the roadway built. That is something which they have to do for insurance purposes. It will also satisfy the Fire Dept. as well as the Water and Sewer Commission.

EM states the Town Engineer was concerned about the special permit and the site plan. He did not have any problems with the subdivision. He reads letter from the Town Engineer, dated September 14, 1989 wherein he states the developer needs to deal with approval from the Water and Sewer Commission, complying with the Fire Chief's request to loop the water system, waive the center line radius for the proposed road, question of a need for waiver for the new road which dead-ends. The Board has already agreed to the waiver for the center line radius. The



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Board has already discussed a waiver for the proposed new road which dead-ends for a cul-de-sac.

D. Dankens has a draft decision which was worked up with Phil Herr.

EM asks for questions from the audience.

Richard speaking on behalf of Scunzio, Hartford Avenue, has a question regarding phase 3. She is a direct abutter. He questions the light line running by the edge of the Scunzio property.

D. Dankens points out the property line and the right of way.

EM questions what he means by light line. Is he referring to power lines?

Richard states the abutter would like to know what size building is going right next to the property. Also, if there is a parking lot going in there?

D. Dankens explains the plan shows two buildings. The building will be back against the power easement. They plan to have rows of parking. At the scale of this plan, it will be 200 feet from the abutter's house. As they develop these buildings, they will come back before the Board for site plan review.

EM explains the town has bylaws which protect abutters under site plan review process. They will have to put in a buffer, screen, the lights can not shine in the abutters yards. The lights have to be directed into their areas.

Richard questions the sound barrier.

EM states the town has environmental bylaw which limits the noise level. EM asks Mr. Dankens if the industrial buildings would have a night shift or 3rd shift.

D. Dankens responds that is highly unlikely. They will have light assembly industrial which means electronics, small parts assembly which will all be done inside the building.

EM questions how far the building will be from the abutter's house.

D. Dankens states it would be 275 feet from the edge of the building.

Richard states it is only 300 feet to the high tension



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wires. He questions what Boston Edison says about how close they can build to the high tension wires.

D. Dankens states they can build 5 or 10 off of where the wires are if they get the easement. For all intensive purposes, they would be up against that easement.

Richard questions how close the easement is from the high tension wires themselves. From the abutter's wall is 350 feet to the high tensions.

D. Dankens points out the property and high tension wires on the plans. There are over 400 feet to the edge of the first wire from her property.

EM states that is something which would be covered under site plan review. On the subdivision, the Board deals with the lots and the road layout. The applicant did not even have to show the building. He does not think the applicant really knows at this point exactly who will go into the industrial buildings. When they come in for the site plan, they will know the use of the buildings.

Richard states another concern of the abutter is that she has just over a 1/4 of an acre. The applicant is planning on taking the front yard. She will be left with less than a 1/4.

GG states that whatever they are taking is town holdings. Town holdings are not part of her 1/4 acre so they will never go into whatever she owns. If one has a 50 foot front and 10 feet of that is town land, it would not be included in the deed and would not be the resident's property.

Richard states it was her property at one time but there was a taking.

GG states it became town property with a taking.

EM states whatever was taken out front was taken for the road. Only a town can take the land for safety reasons. The road improvements are going to happen whether this subdivision is approved or not.

D. Dankens states the roadway improvements are linked to certain triggers in terms of the traffic which is going to be there. These are not the final plans. They may have to push it one way or the other. Depending on traffic, the improvements may not be coming up this far. Those are schematic things. There are special conditions in the



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special permit which have to be met and DPW has to be involved. This is a very public process.

Richard wants them to understand that the abutter does not want to be in the limelight.

D. Dankens reiterates that screening and lighting will be covered under site plan review.

EM explains that even afterwards if the conditions are not complied with, the abutter has the right to complain to the building inspector.

Richard states if the back section of the property is wetlands, then it should be marked unbuildable. 10 or 15 years down the road, someone may try to build.

B. Lord states the designation of the property not being buildable is only a statement that it is not buildable. It does not mean that it can not be made buildable.

D. Dankens states they have an issue of making designations of not a buildable lot because lot 3 is one lot. It is not an isolated lot. This lot will take its water directly from Hartford Avenue. Its frontage is on Hartford Ave. The actual development of that area would be feasible since the lot has direct continuity.

EN believes it looks like a porkchop lot.

D. Dankens states that it is not. It meets all standards of the bylaws for lot shape factors.

EN states the frontage for upper lot 3 is down on Hartford Avenue. There is no access off 495 or anywhere else. They will have to come in off Hartford Avenue.

EM states the town has a new bylaw relative to lot shape factor.

? questions if there is a road going down through lot 3.

D. Dankens states it is part of the lot.
EN states it could be a road.

EM questions the chance of it becoming a road.

D. Dankens responds that it is about 100 feet wide. It is wet.



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EM states it is probably wide enough to be a road, but does not know if the Conservation Commission will approve it. They would have to come back before the Board if they tried to put a road in.

? is concerned with the traffic. He questions how much traffic will be generated.

EM states that 17,000 was Fafard's. This is much smaller.

EN states that there will be a ton of traffic going by when these are added together.

JM makes a motion to close the hearing. GG seconds the motion. Vote of 4.

EM talked with P. Herr who indicated that this subdivision meets the town's regulations. He states that a copy of the draft decision was faxed to Town Counsel. P. Herr worked the decision up with NDAI and sent copies to everybody. P. Herr saw no problem with it. EM did not get to talk with Town Counsel about it however.

D. Dankens explains the decision encompasses each of the 5 waivers plus the determination which is not numbered as a waiver. Those items relate to Officer Haughey as well as other issues. They made one deletion of the hydrants. They did not initially have hydrants in there. Now they do, so there is no need to ask for a waiver. They did add in a manhole connection because it was better engineering to catch basin the manhole configuration from the roadway. They will catch basin the manhole with the developed site in Phase 1. They will review that with Town Engineer.

EM states at the last meeting P. Herr handed out draft decisions. He mailed another draft after that because of changes. After talking with B. Campbell & Associates and NDAI people again, they had a 3rd draft. At the last meeting there was some question as to what the state was under the impression of when they granted the traffic. P. Herr did not think the state realized the traffic. The Board asked him to call which he did. Some changes were made and added to the draft decision. That was on the special permit. That is why they are looking for a continuance on that. Apparently, P. Herr was correct, the state said no it is not what they meant. The subdivision end of it is o'kay. The special permit is more complex. EM just noticed the binder which P. Herr put in relative to a performance bond relative to the road to make sure that it is done.



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EM explains that the Fire Chief, Town Engineer and Building Inspector will reserve more comments for the site plan review process. They want to follow through to make sure it is done. He questions if the Board would like to take action on this tonight.

EN states the things which were brought out last time were straightened out.

JM states the drawings still have to be revised.

D. Dankens states the drawings are o'kay. It is just the language issues and references.

EM points out that as of right now it meets the Rules and Regulations.

EN wants to discuss the unbuildable lot.

EM questions if he wants to designate that. He does not know what that would do to the financing for the developer. It is not a separate lot.

EN understands that this is one lot and part of it is buildable. He questions if they did it that way just for lot area to conform with the zoning.

D. Dankens responds that they did not want to land lock land.

EN states it is swampy there and fairly wet.

JM states it is not up to the Board to decide if the lot is wet or not.

EM states the Conservation Commission already sent a response.

GG makes a motion to approve the Definitive Subdivision for a 4 lot subdivision entitled Stallbrook Marketplace. JM seconds the motion. Vote of 4.

EM states that this approval is subject to Town Counsel's approval.

D. Dankens states that each one of the waivers need to be read into the record separately given the fact that these are separate from the subdivision plan even though the Form D-1 will accompany the waivers.

EM states the Board has never done that before. Normally, the subdivision is approved subject to the waivers. The Board must make a motion relative to the waivers. There are 5 waivers and one determination. They will have a cul-de-sac because collector streets



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can not be dead-ended. EM explains the waivers to the audience. The waivers for manhole and drainage system has been o'kayed by Town Engineer. There is a waiver for 5 foot sidewalk placed adjacent with grass strip between sidewalk and curb line. Bylaw requires that the sidewalk be next to the street.

EN does not like that. The grass strips never get cut.

GG makes a motion to approve waivers 1 through 5 and the determination as shown in Exhibit A for Stallbrook Marketplace Definitive Subdivision. JM seconds motion.

? questions when the sewer will be in.

D. Dankens explains it will be part of the construction for the subdivision road in Phase 1. They will do the on site as well as the connection back up at the same time.

? questions how much that will cost them. About \$600.00?

EN states that is something that the Water Dept. will determine.

D. Dankens explains they will bring up taps to the outside of the right of way. If a homeowner wants to connect to his house, then it is up to him to pay to get it from the house to the right of way. We do not connect each house.

? questions if they will be hooked up commercial or residential. Is there a difference?

D. Dankens responds that there is a difference. There are differences in Title 5. They are all tentatively domestic sewage. If someone tied in, they would tie in to domestic sewage. You do not have to tie in. This is an option.

EM questions if someone wants to be tied in but does not have money to do it.

B. Lord states there are long term financing situations available. The developer is saving the homeowner about \$2600 because they will tie in. The homeowner will have to pay for the connection which will be about \$800.

EM questions if the Water/Sewer Dept. has some kind of financing. He questions who hooks up the water to the house.



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B. Lord states that Water/Sewer Dept. have no program.

EN indicates a private party hookup the water. They have to hire their own private contractor.

B. Lord points out that the main benefit the resident gets is free laterals which saves them the \$2600.

Vote of 4 to approve the 5 waivers and the determination known as Exhibit A subject to Town Counsel's review.

D. Dankens asks Board members when the Form D-1 will be signed and filed.

EM responds that Clerk ^{will} get it to Town Counsel for his review on Monday and then it will be filed. They will sign it tonight. They will sign the plans after the 20 day appeal period.

D. Dankens states the last revision date of the plans was September 7, 1989. The conditions in the decision have to be included on the plans. They will bring the mylars before the Board for endorsement after the 20 day appeal period.

? questions if the public will be notified of site plan review.

EM explains that it is not a public hearing so notices are not sent out, but the Board does send the agenda for publication into the newspaper. It's not really a public hearing or a discussion between the audience and the developers. It is more of a technical thing between the engineers and our consultants. But a resident may want to sit in and listen to raise a point.

Board members sign 3 copies of the Form D-1 pertaining to Stallbrook Marketplace.



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Edward T. Moore, Chairman

Glenn E. Gerrior

Glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiedz

Emile W. Niedzwiedz

Anne M. Morse

Anne M. Morse

John P. Murray