



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

October 12, 1989

Meeting was called to order at 7:55 p.m. EM, EN and GG were present.
JM came in at 8:20 p.m.

COUNTRY CLUB ESTATES II SIGN PLANS

James Reger is present on behalf of Country Club Estates II.

EM reads letter from Town Clerk indicating that the 20 appeal period has passed and no appeals have been submitted.

GG makes a motion to sign the definitive subdivision plans. EN seconds motion. Vote of 3 to sign.

Members sign plans.

23 PHILLIP DRIVE, BELLINGHAM - RELEASE

EM reads letter from Attorney Spillane regarding Mr. Hersey's property at 23 Phillip Drive. Mr. Hersey's lot was never released from the covenant. He is requesting that the Board sign a release since the street has been accepted by the town.

EM asks Clerk if Town Counsel reviewed the information submitted by Mr. Hersey's attorney.

Clerk indicates that Town Counsel felt it was in order.

GG makes a motion to sign the release. EN seconds the motion. Vote of 3 to sign release.

EM explains to Mr. Hersey that this oversight happens every now and then. Mr. Hersey needs the original release to take to the Registry of Deeds.



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Members sign release for Lot 56.

STALLBROOK MARKETPLACE
DEFINITIVE SUBDIVISION
SIGN PLANS

Attorney Bob Fishman explains there are two issues regarding the covenant. Lot 2 will have frontage on the new road. Lots 1 and 3 already have frontage on Hartford Avenue. P. Herr told him they could convey. They can not built on lots 1 or 2 unless the road is built. This will assure that the road is built. They are covenanting the whole thing with a simple release for lot 3. They can convey lots 1 and 2 but they can not build. One document includes all lots. Mr. Varney signed the covenant and the release. P. Herr indicated that the Board must decide what to do.

EM indicates that lot 3 has its own frontage and can stand on its own. The Board can go with the document which says lots 1 and 2 can not get built until the road is built.

B. Fishman presents release for lot 3.

EM states there is no reason to keep the lot. He questions if it has been sent to L. Ambler for his review.

B. Fishman did not send it to Town Counsel. P. Herr looked at it, but did not tell him to forward it to L. Ambler. Lots 1 and 4 can be conveyed into a joint venture but can not be built until the road is built and bonded. Lot 3 will be released from the rest as to sale and building.

EN questions how this will be affected if the lot is sold.

B. Fishman explains it can be sold, but they can not build on the lot. This assures the Varney's for lot 2.

EM indicates that otherwise Varney would^{not} have access to their lot.

JM enters the hearing at 8:20 p.m.

EM points out that the book, page and title are not on the release.

B. Fishman explains it will be recorded as part of the land for the loan for lots 1 and 4. This will allot it to be conveyed into the partnership for the joint venture. They will put the book, page and title on when it is recorded.



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EN makes a motion to sign the covenant and release subject to L. Ambler's review and approval. GG seconds motion. Vote of 4.

Clerk is instructed to have Town Counsel review covenant and release.

Members sign Form G, Covenant and Certificate of Release for lot 3.

GG makes a motion to sign definitive plans. JM seconds motion. Vote of 4 to sign plans.

B. Fishman asks Clerk if she can bring the original mylar plans to the Town Clerk for her signature. Clerk responds that she will bring the covenant and release to Town Counsel on Monday and will bring the plans to Town Clerk on Monday as well.

Members sign plans.

STALLBROOK MARKETPLACE SPECIAL PERMIT - MAJOR COMMERCIAL COMPLEX CONTINUED PUBLIC HEARING

EM reopens the public hearing at 8:30 p.m.

David Dankens introduces Ted Tye, president of National Development Associates. They would like to withdraw their application for a special permit without prejudice. There have been a number of changes. The development group, Varney Brothers, National Development as well as all the town boards have all worked hard and well on this project. Since two years have passed since their initial proposal, the market has changed drastically and dramatically. Therefore, they will not be able to put a quality retail project on the site. They would like to discontinue the application without prejudice in case they decide to come back in the future. The other part of the project, including the industrial and commercial plan remain the same. They may propose a single story industrial scheme for the phase 1 area. They had high hopes for a retail shopping center on that site. However, the economics are no longer there.

EM explains they are requesting withdrawal of the application for the special permit without prejudice. He questions who the applicant is.

D. Dankens responds it is Stallbrook Center Limited Partnership.

EM asks Barbara Jerrior, the representative for Varney, if Varney has any problems with the withdrawal.



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B. Jerrior indicates there is no problem.

EM states if they are looking to put this on hold, it will have to start all over again from the beginning.

EN questions how the withdrawal will affect the traffic study.

EM states they will have to include whatever they propose in the future for the site.

JM questions what would have happened if it had been approved sooner than 2 years.

D. Dankens responds they would have gone with the retail project. The retail economy has changed recently.

JM things they may have lost tenants.

D. Dankens responds that is correct. They would have had tenants if they had been fully permitted 6 - 9 months ago.

EM explains that special permits die within one year if they are not exercised. The applicant would have had to start all over again anyway. He questions if the Board has to close the hearing before accepting the withdrawal.

B. Fishman indicates that the statute states the hearing can be withdrawn without prejudice once the hearing is started. It does not say the Board has to close the hearing.

EM states that since the town is not giving the applicant anything, the town can not get anything from them as far as money for the traffic improvements.

D. Dankens states they will most likely propose a single story industrial building on the site.

JM indicates that if they apply for something with less traffic, they will have to do less improvements.

GG makes a motion to accept withdrawal of the special permit without prejudice. JM seconds the motion and is sorry about the withdrawal. Vote of 4.

EM states this is a loss to the town.



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D. Dankens will pick a time in the near future to submit revised plans. They will update the Board as to where they are going with the process.

Ted Tye, Senior Vice President of NDAI indicates they are disappointed with the position they have tonight. They will go ahead with the industrial project which will be an attractive asset to the town. They have the same commitment to a quality development for industrial purposes. They intend to attract good tenants who will work with the town during the site plan review process. It is possible that they will come back with the retail proposal.

EM assumes they will go totally industrial.

T. Tye indicates that is correct. It will be a one story project.

EN questions the zoning.

B. Fishman responds it is industrial.

EM states the entire parcel is zoned industrial. Retail can be in an industrial zone. He questions the tenants.

T. Tye responds it will be similar to Forge Park and Granite Park with a mix between manufacturing, light industrial and research and development.

EM thanks the developers for their cooperation. They will not, however, receive the fee which they paid for the special permit back. Clerk is instructed to prepare a letter to the Town Clerk indicating that the Board accepts the withdrawal of the special permit without prejudice.

EVERGREEN CONSTRUCTION SITE PLAN REVIEW CONTINUED

Donald Troast, on behalf of Evergreen Construction, explains that he had a discussion with P. Herr at the last meeting. The revision for Land Planning plan is in compliance.

EM received a letter from P. Herr yesterday.

JM questions if this is the same lot which is involved in the lawsuit.

EM indicates that is correct. The lawsuit involves the 81-P lot. EM reads letter from P. Herr, dated October 8, 1989 which indicates that



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the site plan appears to be complete and in compliance with the town's bylaws noting that the Board may want to require the applicant to comply with the new bylaw relative to development plan review.

D. Troast believes that P. Herr is saying that compliance is subject to an as-built.

EM explains that the new development plan review bylaw requires the as-built. The subdivision was approved in 1984. It has a freeze on but P. Herr advised the Board to require an as-built.

D. Troast will provide an as-built plan upon completion of the project.

EN wants him to submit a letter saying that.

D. Troast will prepare a letter signed by Mr. Clark, the owner, and submit it to the Board.

EM reads letter from the Town Engineer, dated October 10, 1989, which indicates that revisions were done to the plan which he has not seen. He requests a meeting with D. Troast to review the revisions.

D. Troast indicates he is referencing revisions which were requested by P. Herr.

EM explains that Town Engineer spoke with the staff at Land Planning regarding the revisions. They were not aware that revisions had been done. He questions revisions.

D. Troast responds that revisions have to do with the proposed topography. They propose a 3rd holding tank for each basin with a gas an oil trap. They also propose changes to the contour line which P. Herr requested. In the event of a spill, everything will be contained.

EM spoke with P. Herr regarding his letter. P. Herr is saying the site plan is in compliance with zoning requirements. He is not saying the engineer's catch basin is correct because P. Herr is not an engineer. D. Troast should get the plan to M. Megalli, Town Engineer, for his review. P. Herr thought the drainage point was tricky. However, from a zoning standpoint, the plan is o'kay.

EN would like M. Megalli to review the revised plan before the Board signs.

EM states the Board has no confirmation from the Town Engineer that the



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drainage works.

EN questions if D. Troast has scheduled a time with the Town Engineer to review the drainage.

D. Troast was instructed to bring the plans to the Board tonight for approval and signing.

EN states the Board wants the Town Engineer to look at the plans first.

D. Troast believes the Town Engineer had plenty of time to look at the plans. He has had them for 4 weeks. The revisions are minor.

GG points out that the revision date on the plans is October 3, 1989. It is not 4 weeks.

EM states the Town Engineer does not have a copy of the plans with the new revisions.

EN indicates the Town Engineer must look at the revisions because the Board needs an engineer's opinion. It looks like everything is almost there. The Board needs the Town Engineer to say it is o'kay.

EM believes this is the last step. If the plan is in compliance, the Board will send a letter to the Building Inspector recommending that he issue a permit. D. Troast can come in on October 26, 1989 at 7:45 p.m. He should get together with the Town Engineer before that date.

Wilfred Arcand, Acting Building Inspector, indicates that the new plan shows a retaining wall which he had denied a permit for.

EM reviews plan and states the wall is shown even though the permit was denied. EM does not know what happens if the Board fails to act on the site plan.

Ralph Martel, from the audience, feels the Board is telling everybody they can build without permits. This is precedent setting. There is too much well water for the site. As soon as the applicant brings in the antifreeze, it will start hazardous waste. He wants a public hearing for that issue.

EM explains that the Board would have never known about the tanks if he did not go up there to look at the site.

R. Martel questions if the Board will approve the plans for the building regardless of what is going in.



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EM states the Board approves the building and the parking. The Board cares about what will go into the buildings, but they are only authorized to make sure there will be enough area.

R. Martel questions if they will have a public hearing for the permits, after the site plan is approved.

EM responds they will have public hearings only for things which require a special permit. Some things do not require a public hearing. The applicant already had a public hearing before the Board of Selectmen for the tanks.

R. Martel states the applicant is occupying the premises.

BROOK ESTATES

SPECIAL PERMIT EXTENSION

Clerk explains that Town Counsel drafted a letter from the Board regarding the special permit extension.

EM reads letter indicating an extension to July 1990 with a maximum of 49 units and a build out rate of 17 during the first 9 months, 16 and 16 during the following two nine months.

GG makes a motion to accept the extension for the special permit to July 1990. EN seconds motion. Vote of 3. JM not present.

Clerk explains to Board that there have been a number of requests for copies of some public information.

EM instructs Clerk to request that all requests for copies be in writing with detail as to the information wanted. Clerk is to charge \$.20 per page and may also charge \$6.00 per hour for her time.

Mail/Correspondence.

Meeting adjourned at 9:15 p.m.



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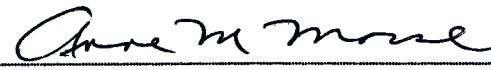
Edward T. Moore, Chairman



Glenn E. Gerrior, Vice-Chairman



Emile W. Niedzwiadek



Anne M. Morse

John P. Murray