



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

GLENN E. GERRIOR, CHAIRMAN  
EDWARD T. MOORE, VICE CHAIRMAN  
EMILE W. NIEDZWIADK  
ANNE M. MORSE  
JOHN P. MURRAY  
ROLAND R. LAPRADE, ASSOCIATE MEMBER

## MINUTES OF REGULAR MEETING

April 26, 1990

Meeting was called to order at 8:00 p.m. GG, EM, AM were present. JM came in later.

Board's consultant, Philip B. Herr was also present.

B. Lord explains that he notified abutters relative to the Lakeview Estates continued public hearing. He thought the hearing was continued to 9:00 p.m. tonight instead of 8:00 p.m. which was on the agenda.

EM makes a motion to continue the public hearing for Lakeview Estates to 9:00 p.m. to wait for the abutters.

AM seconds motion to continue. Vote of 3.

### Submission:

B. Lord submits an 81-P for himself for David Road. He is deeding a piece of his property because of the right of way. The house was built too close to the lot line. There is no road going through. He is transferring a parcel to give his neighbors an easement.

EM questions where the piece is being moved.

GG points out on the plan that they are moving the piece back.

EM questions where the notation is on the plan that the lot is being joined.

B. Lord points it out on the plan.

EM makes a motion to sign the 81-P. AM seconds. Vote of 3.

### GENERAL DISCUSSION



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 2

April 26, 1990

AM explains that John Donovan brought her a plan and wanted her to ask the Board how he can submit it.

P. Herr reviews the plan and states it is a subdivision.

AM explains that Mr. Donovan has a small house on one lot. He wants to put another house in on his land. He has a list of waivers. It is almost a backlot. He wants to put a driveway to a house in the back. She questions if that is legal.

B. Lord states it is legal if the Board waives everything.

EM indicates that Mr. Donovan can get a special permit for a backlot.

AM states that he does not have the requirement for a backlot.

EM believes that Mr. Donovan should come in under general business to explain what he wants to do.

P. Herr states that nothing is technically wrong with the plan. It is a subdivision.

EM questions how the Board can waive the Rules and Regulations.

P. Herr indicates that the Board does it all the time.

EM believes he has to do a road and not a driveway.

B. Lord feels this is the same as the Nuissl, Land, Inc. proposal.

AM believes it is technically a backlot, but he is short 6,000 feet.

EM states that since it is short 6,000 feet, Mr. Donovan will have to go for a variance. If he goes with a subdivision, he will avoid the backlot.

B. Lord believes Mr. Donovan would be really sneaking in with a backlot without doing the road and drainage.

AM states it is really only a driveway. Mr. Donovan now has a little blue house in the front part of the lot.

EM questions the location.

AM indicates it is on N. Main St. on the left. She did not want to see him submit for a subdivision if that is not the way he should go. The



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 3

April 26, 1990

Board can schedule him to come in to discuss what he should do.

EM questions the amount of acreage.

GG indicates that it is not stated on the plan. It is probably about one acre.

AM thinks Mr. Donovan said it was 54 total because he is 6,000 short for the backlot. The present house is way up front. It is a huge lot with a smaller house. Technically, he can do a subdivision.

P. Herr indicates that is only if the Board approves and grants the waivers.

EM states that the Highway Dept. may say he does not need the drainage. The new house would back right up to a house on Wethersfield.

B. Lord explains that if the Board approves this, they would be setting a precedent. He could come in with a number of similar situations.

AM questions if the Board can do this if Mr. Donovan does not ask for the waivers. He wants to use a driveway instead of a road.

EM states it can be done legally if all the waivers are granted.

AM questions what she should tell Mr. Donovan.

EM does not think it meets the Subdivision Rules and Regulations.

P. Herr does not think it meets the Rules and Regulations.

AM states that if Mr. Donovan goes with the drainage and the road, the Board would have to approve.

EM indicates that the road would cost as much as the lot.

AM will explain this to Mr. Donovan.

GG asks P. Herr if he has anything to discuss with the Board.

P. Herr spoke with John Forger regarding Stony Ridge, Hartford Avenue which is Affordable Housing. Tripp Langins no longer works there. Mr. Forger said he can not get financing. He has a special permit and approved site plan except for the drainage. He said they would get to it some day. P. Herr told him the Planning Board is not in a hurry to get it done.



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 4

April 26, 1990

EM believes that would make the special permit open-ended then.

P. Herr explains that if they do not use it, they will loose it in a certain period. It may have already expired.

EM can not believe the developer would want to loose the special permit. It is a good location for condos.

P. Herr explains he was supposed to have a meeting with the developer 6 months ago. It was rescheduled a few times and he finally called Mr. Forger.

P. Herr received the plan regarding Lakeview Farm Stand tonight. The site plan is all done. He questions what he should do with it.

GG thought that P. Herr wanted to receive a copy of the plan which was approved.

P. Herr received the plan which H. Rosenfeld submitted relative to the design change for Brook Estates. There are a number of sheets which show the floor plans. One sheet which is the site plan is illegible. He can not review it because it has no information on it. He met with H. Rosenfeld's people some time ago to discuss this. He feels the basic proposal is alright. They are building multifamily units. The Board may want to convey to H. Rosenfeld that the site plan submitted was an illegible blueprint.

GG questions the fee. It is \$3.00 per parking space. Should the Board require the applicant to pay that amount or the 1 1/2 parking spaces which are required?

JM enters the meeting at 8:23 p.m.

P. Herr states this is a revision. 1 1/2 parking spaces are required. The Board can ask Mr. Rosenfeld to pay for that number.

Clerk explains that Mr. Rosenfeld said he would pay for 1 1/2 parking spaces.

P. Herr refers to the Board of Selectmen meeting last night to discuss the access road for Shores at Silver Lake. Tom Berkholder will send a letter to the Board. No one from the Planning Board attended the meeting. They want support for the access road.

EM indicates that the Board already sent a letter to the Board of



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 5

April 26, 1990

Selectmen stating that the access is needed in order to proceed with these developments. Access and affordable housing are 2 different issues. AM brought out at the last meeting that they want to sell the access road. How can they sit on the Board objectively if they are sitting on the committee for the access road?

B. Lord states that the Fafard people are not attending the committee.

P. Herr does not think they would be prejudicing their position. This has to do with the access.

EM points out that the Conservation Commission and the Water/Sewer Commission were not invited to the committee meeting regarding the access road. He feels that every Board should be involved. It should not be just the Affordable Housing, Planning Board, School Committee and the Board of Selectmen. That is not enough. It should be a very open discussion. Maybe the public should be invited too.

B. Lord believes the idea of the committee is to gain a joint town position.

JM questions the numbers on these projects.

B. Lord explains there are 3 separate proposals which they could go forward with. One is a subdivision. A second is to go with condos and the third is to go with affordable housing. They will coordinate the 3 so the road can be used for either proposal.

JM states they would have to build a new school for this property. They would have to get an article on a Town Meeting warrant to build new schools.

P. Herr does not know the timing regarding the Shoppes at City Lights decision.

Clerk states that she has a note to check the Shoppes extension tonight.

B. Lord will give an extension.

P. Herr explains that the Planning Board directed him to draft a decision regarding Shoppes at City Lights. They have 90 days from the close of the hearing to do the decision. The hearing was closed March 22, 1990. The ball is in the applicant's court right now regarding the fee for traffic mitigation and improvements. He is waiting for the applicant. Once they get the material together, they will meet with



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 6

April 26, 1990

him and work out the language. He feels that an extension to June 1990 would be plenty of time.

EM states the Planning Board would still have to review the draft decision.

GG instructs Clerk to note that an extension for Shoppes at City Lights will be needed at the last meeting of May 1990.

P. Herr has not heard anything regarding the change in the project scope for Stallbrook. They applied to the state for the change. He wrote on behalf of the Board of Selectmen to the state objecting to the change. He never heard anything back.

P. Herr refers to Roland Laprade's suggestion that the Board develop a master plan for the town. He believes it is inappropriate to discuss the Associate Member's idea for a master plan since he is not here. He thinks it is a good idea, but it is very expensive.

GG does not think this is something which a local person can put together.

P. Herr thinks it would be wonderful to do something substantial, but it takes dedicated manhours. This is not a good year to go looking for money for this.

Board reviews Mail/Correspondence.

P. Herr reads a copy of the public hearing notice for the rezoning amendment for Maple Street which was submitted by the Millpond Association.

Clerk explains that the public hearing is scheduled for May 10, 1990. It is on the warrant for the Town Meeting of May 23, 1990.

P. Herr reads Planning Board Procedural Rules, dated November 21, 1985, Section 2.2.2 which requires that Zoning Map Amendments be accompanied by 6 prints of plans. He asks if plans were submitted.

Clerk responds that no plans were submitted.

EM questions if the applicant will be able to come up with plans in time for the hearing.

P. Herr does not believe that is possible. The request for amendment should be accompanied by plans.



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 7

April 26, 1990

EM believes that is what the Millpond Association did on the last zoning map amendment which they had for Maple Street.

P. Herr indicates that is not true. He had subdivision plans. There were no plans of the zoning in advance. He is tired of trying to make the plans from the words. He could probably do it. The Board adopted the regulations. They must ensure that people comply with them.

B. Lord states that the public hearing notice indicates that part of the parcel is on the old railroad line. He points this out to P. Herr on his map.

P. Herr believes there are a series of houses in front. The public hearing is May 10, 1990. The Planning Board only has 13 days to make a report to the Town Meeting. If there are fewer than 21 days between the public hearing and the time the Planning Board has to act, the Planning Board may either make a report to the Town Meeting or the Town Meeting may not act.

EM states that means they would have to pass over it at the Town Meeting. They could not act on it. If it was over 21 days between the public hearing, then the Town Meeting could act.

P. Herr states that is correct. They have the ability to pocket veto.

EM does not think it is fair to the residents who are the petitioners.

P. Herr refers to Section 5 of Chapter 40A. It states that in order to have no vote to adopt the bylaw, they must have a report with recommendations by the Planning Board or 21 days elapsed without submission of the report. If the Board does not want to pocket veto, they will have to decide that night.

EM believes that everyone pretty well knows where the property is.

P. Herr explains they do not know the configuration or the depths. It looks like it only involves the frontage lots. He does not feel it is right to change the zoning map without reviewing this more.

EM states the reason the petitioners want to do this is because they are little lots which are already built. There is no way they can be changed.

AM suggests the Board send a letter to the petitions explaining that



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 8

April 26, 1990

plans are needed.

P. Herr agrees. The Board should ask them to prepare a drawing which indicates what they want rezoned. The drawing should be available the night of the hearing. It should also be sent to individual members and P. Herr prior to the public hearing. The letter should include address of Board members and P. Herr so the drawing can be mailed in advance of the public hearing. Board members should know what they want rezoned before the hearing so they can go out and look it over.

GG instructs Clerk to get this letter out to the petitioners by Monday.

EM reviews correspondence from the Mass. Association of Professional Engineers. He asks P. Herr if the Board must ask to look at licenses for engineers.

P. Herr believes the stamp on the plans is the same as the license. One week ago there was a meeting of the Mill River Association in Milford. Three state representatives were there. It is clear that a piece of protective legislation which was filed for Mill River will affect a piece of Bellingham on the west side. He thinks the town should participate. He will ask the Board of Selectmen to designate 3 people to sit on a more official committee. It will take place next month. It may or may not involve the Planning Board.

### LAKEVIEW ESTATES CONTINUED PUBLIC HEARING DEFINITIVE SUBDIVISION

B. Lord, representing Silver Lake Development Corporation, explains the hearing was originally held in December 1986. There have been a number of continuances since then. The area is largely agricultural. A small area is residential. The original subdivision in 1986 was for a 2 lot subdivision; one inside the roadway and one on the exterior. They wanted to do condos at that time. That proposal was not well received by the Planning Board because the access is not good for condos. They wanted to access town owned property. They are now submitting a subdivision which shows the proper division of the system with 32 lots - 29 subdivision lots and 3 81-Ps for residential lots 30, 31, and 32. There will be a variation on the road system. Road A, Water Fall Road, came in along S. Center Street. In February 1990 it was found that the road was closed because of the Silver Heights development. They moved it over so it connects with S. Center Street. The road system will be totally built to subdivision standards with granite curb and 2 sidewalks. All lots are 80,000 square feet. He points out the drainage easement to Silver Heights development. They are still





## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 9

April 26, 1990

pursuing the access road as the preferred route. They will provide an alternative however, with double access. At the Planning Board suggestion, he notified all abutters. He obtained a new assessor's list and mailed the notices last Friday.

GG notes that the plan shows the lot comes right up to Silver Avenue. The other plans shows it away from Silver Avenue.

Janice Hannert, Fafard, explains that the larger plan is correct. It should come right up to Silver Avenue.

B. Lord continues that Chamberlain Road to Road B, Tidewater Path, will be to the collector street standards with a 60' right of way and 36' pavement. The second access road will be Misty Way with 400' length to Road B. 3 lots have frontage. Tidewater Path will be 2300' which will end in a cul-de-sac on either end. This will allow for a connection with Blackstone St. and eventually tie into Shores and Silver Lake. Both access streets tie into town ways. All streets meet the criteria of the subdivision rules and regulations. This is under the old rules. There are no waivers regarding the subdivision except for overhead wiring and the piping water system. They will tie into the Bellingham sewer system which is now installed in the area and the water line will tie into the Bellingham water system. Each lot meets the requirements. He points out manholes and drainage on the plans. The utility easement will come at the end of the road to Shores of Silver Lake. He submits a full set of plans.

JM indicates this is a brand new approach.

B. Lord explains it is the same road system with the number of lots allowed.

JM states that the Board originally turned down access. He questions the number of units they originally proposed.

B. Lord indicates that was for condos.

JM questions the number of lots.

B. Lord responds that 27 lots have frontage.

GG states that in 1986 200 condo units were proposed.

B. Lord explains they do not want to deceive anybody. This is simply a means to bring this to an end. They may propose condos or affordable housing later on.



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 10

April 26, 1990

P. Herr believes this definitive subdivision plan meets something which the Planning Board asked for which is bringing this 4 year process to a close. This is an alternative way to approach this. They have to look at it.

JM has no problem approving a 30 lot subdivision. He does have a problem if they change it later on. He does not know why they did not do this before.

EM questions the present zoning.

B. Lord responds it is mostly agricultural. 3 lots are residential.

EM questions the requirements of zoning.

B. Lord responds they are 80,000 square foot lots with the exception of 3 lots.

EM points out that since it is zoned agricultural, they do not have to worry about duplexes. He questions if there should be another fee because this is an amended definitive subdivision. The fee is set by the number of lots.

B. Lord states if that is the case, they would owe the difference between the number of lots increased. They did not expect an additional fee. There is no problem with that.

GG points out they can deduct the 81-P lots and the 2 lots which they already paid for. The fee will be \$75 per lot with 25 lots.

B. Lord indicates that J. McGloughlin from Fafard will cut a check to the town for the additional fee.

EM thinks this project should be connected to Shores at Silver Lake. The Board denied the preliminary on this because of traffic flow and safety. The Board approved the definitive subdivision on Shores but it is presently in suit.

P. Herr states that the special permit for the condos for Shores at Silver Lake is in suit.

EM questions why they would not give 3 means of access.

B. Lord explains that if this is built, they would prefer access to Blackstone Street and connection to Shores at Silver Lake. Now it is



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 11

April 26, 1990

difficult. It is more than likely this subdivision will have to be changed. It is now dead-ended. It is the preference of the town and the subdivider that is it better to access through Blackstone Street and not go through the Acres.

EM points out that they may never get the access. This is the plan which will be approved. The Planning Board is being asked to act on this plan. The developer does own land on the right. They can connect more roads to move the traffic better.

JM looks at this as only approving 32 lots. They would have to come back with anything else.

EM explains that if they get the access road at the left, this plan would mean nothing.

P. Herr states they will not seek the access road across town land for 29 lots.

B. Lord doubts that the developer would.

P. Herr believes the drawing is consistent. It shows the lots and not reliance on the road.

GG states that as it stands the 32 lot subdivision ~~does~~ not need the access road.

B. Lord explains that if something else is proposed, the road will be built according to the configuration. Some changes are up to Affordable Housing.

P. Herr indicates it is believable that they could go with a road to Shores at Silver Lake. That would solve that problem. Road A would go down to a cul-de-sac.

B. Lord indicates that although there is some continuity in ownership with the two properties, they are not totally the same.

P. Herr questions if they would be crossing the wetlands.

J. Hannert indicates they are.

P. Herr is not sure the town would hold for this. They are showing a road going to the edge of the property.

B. Lord states that any proposal for extending the road would have to



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 12

April 26, 1990

be brought forward. That would be part of the process they will go through.

Mike Lindeman, 50 James St., asks if the applicant has future plans to connect through Rondo, Douglas or James Streets.

B. Lord responds they do not have future plans. They prefer not to connect into the Acres.

JM is confused because the Board is acting on this plan only.

B. Lord points out that this plan shows Rondo Road and not Center Street.

M. Lindeman states that everyone would dump onto Rondo Road to 126.

B. Lord states they are presently only accessing the property.

JM believes that access would be split 50/50 through N. Center Street too.

M. Lindeman is worried if future changes are for more than 29 units going in Rondo Road. Traffic would be burdened.

B. Lord explains that could not be done as a subdivision.

AM states that is not what is before the Board now.

P. Herr points out that the Planning Board would not approve this unless it has 2 connections. They are talking about an emergency egress.

B. Lord believes it would be a benefit to have an emergency egress if it is built in a way to show egress and access for this subdivision.

P. Herr points out a few technical problems with the plans. Road A was not finished on the plans which he received. He received drawings which are not completed.

J. Hannert states it is complete. They feel it meets the standards of the subdivision requirements.

P. Herr states that Road B, Tidewater, is designed to collector standards which is the old collector standards with a 60' right of way and 36' pavement. Planning Board regulations require something which is not in the public interest. 30' pavement should be wide enough.



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 13

April 26, 1990

The drawing shows the configuration of 29 lots. Road B could be a minor street with a 50' right of way and 29' pavement width. The developer may want to consider the travelled way. It may make sense and be in the developer's interest for construction purposes.

JM questions the list of waivers.

B. Lord states they include underground utilities and piping water.

AM questions why they will have granite curb.

EM responds that is a requirement of the bylaw. He assumes they will open both ends of the road. They can keep the easement of the road for collector size, but why pave it all since it may never come to be. They should build the road to the subdivision size which they are proposing.

JM asks if they are requesting a pavement waiver.

P. Herr responds they do not need a waiver since it is not a collector street. He questions if the drawings were sent to the Town Engineer.

B. Lord responds that they were.

P. Herr states the Town Engineer will have to review the drainage. There is no catch basin at Road C and Jordan Avenue. It looks like a substantial amount of water may come off. They should intercept the water at the corner. They should ask M. Megalli about that. He did not receive the drainage calculations. They should also be sent to M. Megalli.

GG will contact M. Megalli to discuss the drainage. He questions when the plans were received by the Town Engineer.

J. Hannert responds that she distributed them 7 days ago.

P. Herr does not know if the drawings reflects the current topography.

B. Lord thinks it is current.

J. McGloughlin responds it is not current. Boston Sand & Gravel has taken dirt out since then.

P. Herr states that should be pointed out to M. Megalli. Lot 11 does not meet the lot area requirement. It appears that lot 11 does not have 72,000 square feet which is not wet. 90% of the lot area must not



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 14

April 26, 1990

be wet. They may have 28 buildable lots instead of 29. The detention basin is not normally wet.

J. McGloughlin states they have a little bit of water now.

P. Herr did not see the easement relative to Silver Heights on his plans.

J. Hannert responds it was not on the set which was sent. They have it on the set of plans which they gave to P. Herr and the Board tonight.

Mark Rodgers, Douglas Drive, questions the size of the road.

B. Lord responds they will have a road side easement of 60' wide and 36' pavement.

P. Herr thinks that is too wide.

M. Rodgers asks if they will be dumping traffic onto Rondo Road.

P. Herr states they will connect with Rondo.

M. Rodgers questions the size of Rondo.

B. Lord responds it is 18' to 20'.

M. Rodgers believes that would create a funnel with a 30' road coming into an 18' road.

B. Lord responds that P. Herr suggests they bring that down.

P. Herr states that is a different issue with the traffic from 29 lots going into and 18' road.

M. Rodgers thinks that next the developer will ask to widen their roads as well.

EM responds that they can not.

P. Herr explains that this proposal has been around for 4 years. The developer originally had vague notions of having 200 units. They brought in a traffic engineer who said there would be no problem on those streets. There are a series of court cases pending now because Planning Boards are refusing approval for subdivisions because they go into roads like that. The question is should the Board turn down 29 lots because of the inadequacy of access and through access. They



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 15

April 26, 1990

would be asking for litigation. He is not sure it would stick. They would have to find something more concrete relative to the traffic to turn it down. That is why the Board would consider more development with better access.

M. Lindeman does not think that 29 lots would create a problem. His concern is if something opened up later which would affect the traffic flow.

B. Lord responds that is a possibility, but they would have to come back with a new application.

GG explains that at that point the traffic issue would stand. 300 homes going in there would create a totally different situation.

M. Lindeman does not want that to happen because it would be like the Mass. Pike flowing into 126.

B. Lord explains that it is clearly their intent to do more with the lot than what they are proposing. In order to do more, they would want another access. They do not want to go through the Acres.

EM states that would be the only way to change this. He understands the concern about the possible increase. The developer is proposing 28 lots which fit according to the bylaw. If the developer proposes bigger condos, they would need a special permit. For Affordable Housing, the proposal would go to the ZBA. The Planning Board would have no say. It would require a public hearing through another process. The Board has to look at what is here tonight. If it changes, the developer would have to go somewhere else. There would be notices and a public hearing.

M. Lindeman indicates he has no problem with 29 units.

AM makes a motion to continue Lakeview Estates to May 24, 1990 at 9:30 p.m. EM seconds motion. Vote of 4.

GG will contact M. Megalli to discuss this plan. He asks that M. Megalli be sent revised plans showing the Silver Heights easement.

J. Hannert will send them within 1 week.

GG notes that the Board will need an extension on May 24, 1990 since the extension is up on May 30. The developer must also present a check for the fee at the next meeting.



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 16

April 26, 1990


B. Lord will check to ensure that all town departments received the plans which they distributed.

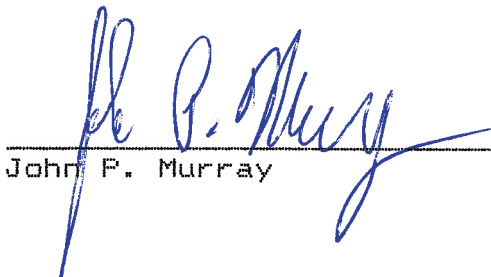
Meeting adjourned at 10:30 p.m.

  
Glenn E. Gerrior, Chairman

  
Edward T. Moore, Vice-Chairman

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Emile W. Niedzwiadek

  
Anne M. Morse

  
John P. Murray