



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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EDWARD T. MOORE, VICE CHAIRMAN
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ANNE M. MORSE
JOHN P. MURRAY

MINUTES OF REGULAR MEETING

November 29, 1990

Meeting was called to order at 7:38 p.m. All members were present.
Board's consultant, Philip B. Herr was also present.

COUNTRY CLUB ESTATES II REQUEST FOR EXTENSION OF BOND

Jim Reger is here representing Empire Circle, Country Club Estates II. The bond is in a bankbook with Home National Bank. The bankbook is still good and is now with Baybank. The Town Treasurer checked with the bank and it is o'kay. Their road contractor is not recommending that they do the road now. It is too late in the season to do it. W. W. Contractors recommended that it is too late in the year to do the road and the gravel on the sidewalks. They are asking that it be extended for 6 months.

GG suggests that they do the work as soon as the weather breaks in the spring.

J. Reger will send a letter to the Board indicating that they will do the work as soon as possible.

W. Arcand states that the Highway Dept. is having a problem with plowing the road. The casting is too high.

J. Reger believes that it is too late to do the road.

W. Arcand points out that the asphalt plant is still open. The Highway Dept. is still having some roads paved.

J. Reger indicates that the problem is with putting the gravel and sidewalks down.

W. Arcand believes they can hot top around the rings. One guy who was plowing the road last year went through his windshield when he hit the



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on the other lots.

EM asks if the taxes will come out of the \$7,000.

R. Bixby indicates they will not. He would rather see the amount presented as a check.

GG states that the Town Treasurer would rather see a bankbook which he can put aside. If a check is presented it would have to go into the general fund. With a passbook, it is earmarked for a specific purpose.

Tim Jones states that he will talk to the Town Treasurer and do it anyway he wants.

GG questions if the \$70,000 includes the binder.

R. Bixby responds that the binder is there. The topcoat, loaming, seeding, meets and bounds remain to be done. Nothing has been done to upgrade the road since the bond was put in place. This one that Mr. Jones is purchasing is the 2nd lot in on the right. Someone else is interested in lot 5. Lots 6 and 7 are already gone.

Frank Morse asks if Mr. Bixby has stations on his plot plan.

R. Bixby indicates that he does.

F. Morse suggests the developer list the stations to identify the lot for the Town Treasurer.

GG states that if the FDIC decides to bond the road tomorrow, the \$7,000 will be released. John Emidy has the understanding that he will not issue any building permits until he hears from the Town Treasurer.

EM points out that the Board has a letter from the FDIC stating that they are working on this problem. The problem is that if the other lots in the subdivision do not sell, the road will not get done.

R. Bixby points out that at least with this method he will be growing the bond back.

GG states that there is already a house way back in the subdivision.

AM states that the developer will not be able to walk in and get 10 permits. He will get one permit for \$7,000.

P. Herr questions how this will get documented.



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casting.

AM questions what can be done with the castings.

W. Arcand responds they can be dropped or filled in.

EM states that they do not even work when they are raised like that.

W. Arcand states they could at the least be flared for the winter.

AM suggests that Mr. Reger see what can be done about the castings and return to the next meeting. The Board will discuss the extension then.

GG states that the problem will have to be corrected by the next meeting. If they wait the asphalt plants will probably be closed by the next meeting.

J. Reger will come back to the next meeting under general business on December 13, 1990.

AM states that he should call W. Arcand at the Highway Dept. within 5 days to confirm that the problem has been resolved.

Monice Trottiere, resident of Empire Circle, has concerns about the same problems which Mr. Arcand addressed.

BALD HILL ESTATES

DISCUSSION RE: ROAD BOND

Roger Bixby, developer of Bald Hill Estates, introduces Tim Jones, an individual who is interested in buying one of the lots. He can not get a building permit because the road bond is no longer in place since the letter of credit from Home National Bank is now worthless. Mr. Jones is willing to come up with a check for \$7,000 which he will turn over to the town if he can get a building permit in exchange. There are 10 lots left. The original bond was for \$70,000. He has some other people who are interested in the lots. He is working with the FDIC to find a solution to get the project to work.

GG explains a working solution which the Board has suggested to others using a 2/3s amount of the remaining lots. 2/3s of 10 lots is 7 lots. They could divide the bond for that and work with each lot.

R. Bixby does not believe that would work in this case because there are taxes due, FDIC fee. With the offer on the lot this turns out to be a wash for him. There is nothing left. He will do the same thing



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AM suggests that a letter be sent from the Board to Town Treasurer and Building Inspector.

P. Herr questions what one would find at the Registry of Deeds.

R. Bixby states that the covenant was released as soon as the bond was in place. The release of covenant and bond are still in place.

P. Herr states that one would find a reference to a bond secured by a bank that does not exist. Others have put the covenant back in place with provisions for release of lots in the new covenant.

R. Bixby does not think that you can have a covenant and a bond in place at the same time.

EM states that a letter from the FDIC will reinstitute the bond.

AM states they could have a covenant for 9 lots and bond 1. Then the lots can be released one by one.

P. Herr's concern is that this may go on and on.

F. Morse states that a municipal lien may work the same way.

EM states that the problem is that there is no one to record the documents.

EM makes a motion to send a letter to the Town Treasurer and Building Inspector indicating that the \$7,000 is proper assurity for lot #3, Bald Hill Estates, Denault Drive. The \$7,000 is for one lot out of 10. A new covenant should be put in place for the 9 remaining lots. Any further passbook amount for the release of further lots should be included in the passbook with \$7,000. The \$7,000 should be in place with the Town Treasurer prior to the issuance of a building permit.

AM seconds motion. Vote of 4.

EM states that a check for each additional lot should be added to the one passbook. There should be one bank and one passbook.

R. Bixby asks if Town Counsel can do the covenant. If the FDIC decides to honor the letter of credit, the covenant will have to be released. He asks if they will get the \$7,000 back if the FDIC puts his bond back in place.



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GG responds that the Town Treasurer agreed to that today.

P. Herr states that once the new covenant is recorded, it will be up to the Planning Board to get it released. The intent is to release it upon satisfaction from the FDIC that they will be providing proper assurity. The letter of credit from the FDIC should be satisfactory.

R. Bixby points out that the FDIC is in a state of disarray now. He has been through 9 people trying to resolve this since June of 1990.

GG states that the letter from the Board should state that the Building Inspector must receive written notification from the Town Treasurer that the bond is in place prior to releasing the building permit for lot #3. Town Treasurer is aware of this situation. They can go directly to him and he will notify the Building Inspector to issue the building permit.

RIVERVIEW PARK - PHASES 3 AND 4 DEFINITIVE SUBDIVISIONS CONTINUED PUBLIC HEARINGS

B. Lord introduces Jim McLoughlin and Janice Hannert from Fafard. They have made considerable changes as a result of P. Herr's proposal.

J. McLoughlin explains that they have revised the plans in part with respect to the comments made at the last hearing by P. Herr and with regard to comments from a large Fortune 500 company who is a potential customer. Phase 3 will realign the roadway from Maple Street. They will realign the southern portion of the property to promote a smooth flow of traffic. The alignment of the road itself is changed slightly to address the needs of the tenant they are talking with. This tenant is interested in a large parcel of 70 acres which would be the initial buildout of the property. The revision to Phase 4 realigns the access connecting Maple Street. They will landscape the berm along Maple Street. They will have a walking/jogging path through the property. It may vary as tenants come on line. They propose widening Maple Street from Rt. 140, railroad tracks, Somerville Lumber and the southern internments of their property. The large scale of Maple Street shows the Hill property. They propose widening the road on both sides with a 50' right of way. The layout of the relocation was done in 1924. The 2 black lines show the existing edge pavement. It varies within the right of way. The orange shows the existing stone walls. They propose widening Maple Street from Somerville Lumber to a width of 30 - 32' similar to a subdivision roadway as well as the subdivision. Most of the widening will be done on the opposite side from the homeowners where there is sufficient right of way. There is ample



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room. The Hill property of the road bears off Phase 4 and on Phase 3. They would like to proceed with Phase 4 as presented. For Phase 3, they would like to finalize negotiations with the proposed tenant before presenting detailed drawings. The proposed tenant requests an opinion from Town counsel that an auto auction facility is an allowable use from the zoning. It will be automotive use with repair, reconditioning and wholesale of motor vehicles.

EM asks if they are requesting that the Planning Board ask Town Counsel if it is an allowed use.

B. Lord responds that they are asking for an opinion. The potential user wants an opinion whether it fits the description of the Town's zoning.

AM asks about a meeting which was held the other day which she was not informed about. She questions the purpose of the meeting.

B. Lord explains that the meeting was held on short notice to gain some input. He called EM because he knew he would be available. Everyone will be informed when the proposal is made. This is the same as with Somerville Lumber and Cogeneration. They met with individual people on an ad hoc basis to discuss the proposals.

AM states that the Chairman and members of the Board should all be informed when a meeting is held.

B. Lord states that the meeting was held as a result of the proposed changes to the plan. This project potential provides the impetus for the rest of the improvements to be made. Without a large user the cost to put in the road would be so great that it would never get done. This is a Fortune 500 Company.

EM indicates that the meeting which was held yesterday was poorly organized. The Industrial Development Committee no longer exists. The town should get one back. EM was under the impression that 2 Selectmen would be at the meeting but they were not. He was ready to leave the meeting. They had people flown in from New York.

B. Lord states that the developer is trying to get input from a small group of people. It was not meant to have everyone there. It was his fault that the Chairman and other Board members were not informed. The Planning Board will all be fully informed as this develops.

JM asks about the question of whether or not the auto auction facility is an allowable use.



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B. Lord responds that there is no question in his mind. However, the potential user wants an opinion from Town Counsel.

P. Herr states that the developer is not seeking approval of Phase 3 tonight because there may be changes. They may want agreement from the Planning Board regarding the realignment of Phase 4 because it is contrary to what the Board discussed at the last meeting. The Planning Board wants to make Century Blvd. the main road and not Maple Street. They want to discourage people from travelling on Maple Street. The Phase 4 plan was sent to him a few days ago. He checked it and found that it was fine. He did not get the revised road plan. They should avoid egresses to Maple Street. He does not see any problem with Phase 4. Phase 3 reconfiguration of the intersection with a greater percentage of impervious surface than the drainage scheme is predicated on.

d. Lord points out that the drainage is at the concept stage. It will change with the user.

GG states that the type of user that they are proposing requires a lot of impervious surface.

B. Lord states they would be taking all the traffic except the local traffic off Maple Street. The biggest problem will be the truck traffic. The town can control it by getting permission from the state and putting signage. The town may want Maple Street to be a bypass road to the north. He questions which way they may want traffic to go.

P. Herr asks if this is important to the Fortune 500 client.

Janice Hannert responds that it is not.

P. Herr points out that if they could get the bridge across the Charles River this scheme would be o'kay but there is growing skepticism that could be done. The road should not serve the function it is now.

GG states that if they widen 140 Mechanic Street to the entrance of the industrial park, they have already made it convenient for people to use Maple Street. They will have to stop and take a right to Maple Street. That will not stop people from going through. The southern sector works. The northern sector does not. He does not think the road should continue through.

EM thinks they should turn the road and make Maple Street like a dead-end. It can stop at High Street.



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P. Herr said it can not stop at High Street.

B. Lord points out that Maple Street will remain straight until the loop is done. The easement to allow the turn later on is built into the plan.

EN questions if they are talking about 2 lots.

J. McLoughlin points out the 70 acre lot in Phase 3.

EN questions if High Street will be open all the time through this.

B. Lord states that at some point the Town of Bellingham will have to make a decision on what to do about High Street. It is clear someone may close the road. They may have to dead-end it.

P. Herr indicates that someone will declare it unsafe. In terms of the town's circulation, it is very unfortunate.

EM states they are now looking at 2 lots with the benefit of knowing who one of the users may or may not be.

P. Herr points out that if they do not construct the northern end now, they will be obliged to do it that way afterwards. It may be appropriate to ask the Board of Selectmen for their view. The Board could ask them to engage a traffic engineer on the town's behalf. This sounds as if it is not a decisive issue. It is his sense that it will end up configured like that. The problem is that Main Street is so severe. They can go to the DPW and ask for a truck exclusion but there are a bunch of rules.

W. Arcand indicates that the DPW does not take care of that any more. The local Selectmen do it.

J. McLoughlin states there will be a 90 degree intersection on Maple Street. They will reserve the easement so the land there can be reconfigured.

EM states that the roads can be changed to bigger or smaller.

B. Lord indicates that is correct. There is a chance they may come back to relocate the road with different users.

EM questions what the green area is on the plan.



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B. Lord responds that is the 100' berm along Maple Street. It will be a landscaped buffer zone between the industrial complex and the people living there.

EM questions if there will be shrubs and trees.

J. McLoughlin responds that for the areas which do not have vegetation which are an open field, they will berm and landscape both sides. The berm will have trees and shrubs.

L. Mayewski agrees that the main concern is with the road. He is concerned about the drainage with an auto salvage facility.

JM is familiar with this type of facility. It is the type of business which the town may want.

L. Mayewski questions the amount of impervious surface with the potential for runoff from the painting and reconditioning. The drainage question will have to be addressed since this is in such close proximity to the Charles River Watershed.

EM indicates that they are now discussing something which should be discussed at the development plan review level.

P. Herr points out that the detention facility is larger than what is seen in other places and there are fewer of them which are located in a Water Resource District. The uses might involve pollutant material and a large amount of impervious surface.

EM states there may be valid reasons to say no to the user at the time it is brought out.

P. Herr indicates that the drainage design is predicated on 60% impervious surface for the lots. This may be more like 90%.

J. McLoughlin responds that the calculations are for considerably larger amounts for additional storage. Some areas are greater than 60%. It is impossible to tell the potential users and what their requirements will be. In Granite Park, they planned on and used the quarries as the sites developed. In this case, additional detention will be required.

EM questions what happens if the drainage for the roadway does not work.

P. Herr responds that it is designed to accomodate the road and the



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lots.

J. McLoughlin states that the controlled area is not going south or west. It is going to the detention pond.

B. Lord indicates that Phase 4 stands by itself. Phase 3 is in changes. The detention areas are in place in Phase 4. They satisfy the potential needs.

EM states that the auto auction facility user may be a plus for the industrial park, but it may be something which will discourage others.

P. Herr questions if the auto auction facility will be like the one in Concord.

B. Lord responds that it will be, but it will be different. It will not be haphazard.

EM believes it will be like the ones in Concord or Walpole on Rt. 1, but will be much bigger.

B. Lord feels it will be advantageous to the town. Under today's conditions, this would get the park going by getting a large tenant to cover the costs. It gives a start to the whole project which would allow the road system to be built and allow the improvements to Maple Street. Under good conditions, they can bring in good clients for the remaining area. 600,000 square feet is still remaining. Phase 2 has the potential for 400,000 square feet. A larger user will open the park up to make it have a true potential. This is a good facility which will provide a tax base for the town. It is a Fortune 500 Company which is a high visibility company. They do not want to use the company's name yet.

EM states that the pavement looked like an airport in the pictures which he was shown. He questions whether this will generate more or less traffic. He knows it will generate trucks since the cars will not be driven in.

J. McLoughlin states that the average daily trips will be less than half it would be with office use. Most of the auctions will be a one day affair.

AM believes there is a potential that it will be a 4 or 5 day affair.

L. Mayewski states that it could develop more traffic.



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EM thinks it will be 3 times a week.

JM points out that they will probably run auctions for specific audiences.

AM believes they are talking about 500,000 cars.

L. Mayewski questions what happened to the GE facility which was going into the Westboro area. Is this the one that was going there?

EM thought that ~~an~~ auto auction facility was going into Milford.

B. Lord responds that there was a possibility about the 495 property but the land was too wet because of the wetlands.

J. McLoughlin states that the traffic will be less than if it was used for an office use.

F. Morse questions how the Planning Board will put in stipulations if this is a permitted use in the industrial zone. If this is allowed the Planning Board will not have much say other than for the road design and subdivision.

L. Mayewski states that this will have to go before the state and EIS since there are over 50 acres.

B. Lord believes that the subdivision stands by itself.

P. Herr has received a lot of nonanswers relative to the drainage issue. On its face, they are talking about taking storm drain piping into a Water Resource District from an industrial area.

EM questions where the Water Resource District is.

J. McLoughlin indicates that it runs parallel to the Charles River.

EM questions if 3 retention ponds will be within the Water Resource District.

P. Herr indicates that is correct.

J. McLoughlin explains that more water will be recharged in terms of quantity. There will be improvement to the quality. There was a report done by Haines relative to the water quality and runoff. Sumps in the basins are allowed.



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P. Herr asks what good the sump will do relative to liquid contaminant. He questions if they can design an alternative drainage scheme. What has been presented is relatively risky. He wants to see something constructive here.

J. McLoughlin states that they can use some kind of gating. They would be creating lines which would prevent water from discharging into the ground. That would not solve the problem. There are 2 water quality issues. Either it goes into the ground or to the basin. It could go into the ground and let nature take its course.

P. Herr believes there are many other dimensions to the question. Gating may be the real answer if someone dumps something which should not go into the pipe. In an emergency it would get cut off. This would deal with contingencies. He would like to see something with a condition about the risk being addressed. They must deal with contingencies with an industrial development of this kind. It is the peculiarity of the development, where the detention areas are in proximity to the Water Resource District which concerns him.

EN questions if they are talking about the containment and dispersion.

P. Herr points out that T. Clark has put in a lined settling basin and a manually operating gate to solve the problem at Evergreen Construction on Williams Way.

J. McLoughlin indicates that he is not a fan of gates. No one ever closes them.

P. Herr states that Somerville Lumber had the same problem. Their site is part in and part ^{out} of the Water Resource District. They presented a proposal with equipment and an operating system to handle emergencies. He felt reasonably assured that they would provide competent thought to the problems.

B. Lord points out that if they had a known user they could address the potential hazards. Part of this issue will be addressed at the time when the tenant is known.

P. Herr is concerned about the physical design which must be addressed now. They are putting the stuff into the pipes and transporting it from a less vulnerable area to more vulnerable. He wants to make sure the physical design of the drainage system makes sense.

Steve Racicot, Maple Street, has the same concern that all contaminants will go into the detention basin into the Water Resource District. He



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questions if there is a way to make a detention basin before that which could collect hazards. In that way, the other detention basin would be secondary rather than primary.

B. Lord believes the problem can be taken care of through catch basins.

S. Racicot is asking that no catch basin contain anything that gets to them. If the contaminant gets through, it will percolate. He wants to put it out of the Water Resource District.

P. Herr states that the individual site will be developed for each. The provision for on site is important. They need to have an emergency retention facility.

EN believes this is similar to what gas stations have now with some kind of contaminant collector.

P. Herr does not think that gas stations have that.

EM states they have lines and concrete around them which are supposed to disperse the contaminant, but he does not think they collect it.

S. Racicot indicates that Somerville Lumber has a separate collection for separate systems with separate detentions basins.

B. Lord believes they can address these issues when they get a site specific use.

P. Herr states that it may be addressed when the user is identified. They can not connect floor drains to storm drainage.

F. Morse points out that if this were on a severe hillside, the galleys would slow down the water flow. A trap within them would contain the oil and grease. The design would be in the staging constituting parking. It could be all staged down before it gets to the detention pond. In case of an accident, it would go upstream.

EN states that galleys were used before, but the problem is who will take care of them.

F. Morse means they should have a staging system which would need someone to monitor it in between.

J. McLoughlin is not sure this would mean much until they have specific tenants. In Milford at the Caterpillar Company, they put a



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system inside and outside of the buildings. To do that with 150 acres is not possible. It makes better sense to wait until they have tenants.

P. Herr states that the detention basins are designed to take care of the road. Each site will take care of its own. They can oblige them to do that. This made site plans connected to the subdivision plans. Having the storm sewers sized to 90% impervious surfaces would provide sufficient velocity for the pipes to keep clear. The design depends upon them getting full buildout.

EM states that Phase 3 has problems. The roadwork for Phase 4 is workable. It is not approvable because they need more drainage. It sounds reasonable.

S. Racicot indicates that the configuration for Phase 3 looks like what they might be looking at later. He asks if the school bus traffic will go through.

B. Lord indicates it will not.

S. Racicot is concerned about 18 wheelers who do not want to stop, racing with the schoolbus.

P. Herr can not imagine a safer configuration than this.

EM believes that the road configuration makes trucks stop and look before going through.

S. Racicot is talking about the top portion. It keeps traffic on Maple Street. When he sat in a meeting with the Core of Engineers, they said there would be no objections to making an elevated bridge over the river.

B. Lord responds that would be impossible because it would have to be 1/2 mile long. They would not be able to go over Core property at all.

S. Racicot understands that the existing bridge can not be altered because of the storm. Having a bridge would alleviate the traffic on Maple Street by having another access.

B. Lord explains it is prohibitive because of the costs.

J. McLoughlin states that they own from the edge of the pavement. The biggest problem is filling in the wetlands. This is talking about building a causeway and going over all the wetlands. The costs are



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prohibitive.

EM believes that the Phase 4 road layout is o'kay. The question is does the drainage go with the road layout. Phase 3 has all kinds of questions which will not be answered tonight.

P. Herr does not know of any other questions. There are not many questions for Phase 3. He has the same concern about the drainage configuration for Maple Street and Century Blvd. There are only 2 questions - the drainage and the traffic.

S. Racicot asks if widening Maple Street is part of this.

EM responds they would have to have public hearings for that. They are saying there is an easement there. They are willing to widen their side.

P. Herr would like to talk about the proposed use for Phase 3 later tonight. The reconstruction on Maple Street is tied to the use but not the subdivision. The Planning Board can not require it as a condition for the subdivision.

EM questions if the retention pond shown is sufficient for the road layout.

P. Herr responds that the drainage system is sized to accomodate peaking on all developments with the assumption rendering 60% of the lot areas.

EN states that now they are talking about 90%.

P. Herr states that the volume is not the concern. It can be addressed at site plan review.

EM indicates that the problem is with the traps and safety features. It will have to be addressed before it is approvable.

B. Lord states that the trapping situation is site specific. Addressing the contaminant going into the system is a site specific problem. They will have to come in with something to answer questions regarding a spill. They will deal with that at the proper time. They are dealing with the road system here. They have the volume of detention.

EM believes they will end up with different individual basins.



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B. Lord indicates they will have industrial trapping systems in the individual sites.

AM points out that the problem is that P. Herr is saying it will probably be too late then.

EM agrees that it should be addressed later, but it should be addressed now too.

B. Lord questions a gating system.

EM points out that if it is near the detention pond, it would be too late. The trap has to be near where the problem starts.

GG states that the Planning Board does not have the knowledge to determine what works. It is a question for the Town Engineer.

P. Herr presumes that M. Megalli has already approved the plans.

B. Lord responds that yes, he has approved them.

P. Herr questions if they have been to the Conservation Commission.

J. McLoughlin responds they have not been. He propose gates at all detention outlets and any connection it serves. The individual tenants will install anything additional. They can not tie into the storm drainage system until the drainage is addressed.

EM states that will have to be approved by the Conservation Commission.

P. Herr presumes they will have one or more detentions in the buffer zone of the wetlands.

J. McLoughlin indicates that is correct.

P. Herr indicates they will have to go to the Conservation Commission then.

EN questions how they will know where the pipes to tie into are.

GG questions how they will get a tenant to fill a spot without approval.

J. McLoughlin will put in a gate at every detention basin. It will be fail/ safe if everything else does not work.



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F. Morse questions what and who will sensor it.

P. Herr questions who is the town's hazardous materials coordinator. He presumes it is the Fire Chief. They should have a hazardous materials response plan. He presumes the Fire Chief reviewed the plan.

B. Lord indicates that he did. There is a letter in the file.

EM questions what happens when the gate is shut.

P. Herr responds that the material will stay in the pipe.

EM states they will have to shut the gate and suck it out right away.

P. Herr states they should have a gate prior to each detention facility with an annotation on the plan stating that because the storm drainage is piped to the Water Resource District. The road plan profile should show the revised configuration. That should be taken care of.

EM indicates they could close the hearing tonight and act on it after the mechanical things have been taken care of.

S. Racicot is concerned about having the primary detention basin in the Water Resource District with nothing to catch, purify and clear the water before it gets there.

P. Herr states that the scheme with the noted annotation will go to the Conservation Commission. They may do it a different way. In that case, it will have to come back here. He is relying on the Conservation Commission to keep this in line. He is concerned over who has access to deal with a hazardous spill.

J. McLoughlin indicates that it is not always possible to do anything with the larger pipes.

P. Herr points out that the Fortune 500 auto auction facility should have storm drainage outlets at the lowest points. There will be big puddles in the parking area because that will be the first detention facility.

S. Racicot notes that is correct if the concrete does not crack.

P. Herr indicates that there should be a note on the plan which will oblige the developer of the lot to come up with the individual lot solutions.



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EM makes a motion to close the hearing for Phase 4 to enable the Board's consultant to review the plan and make sure all comments are on it before the Board signs. EN seconds motion. Vote of 5.

B. Lord states that Phase 3 is a concept plan at this stage.

EM points out that an extension is needed for Phase 3.

AM makes a motion to continue Riverview Park, Phase 3 to January 24, 1991 at 8:00 p.m. EN seconds motion. Vote of 5.

EN makes a motion to accept an extension for Phase 3 to January 31, 1991. AM seconds. Vote of 5.

J. McLoughlin questions the road layout and the drainage.

P. Herr responds that the drainage will be dealt with in the same way as Phase 4.

J. McLoughlin questions the issue of the intersection.

P. Herr thought he said he would design them both.

J. McLoughlin indicates that is correct.

P. Herr notes there are 3 buildings on the plan for the Fortune 500 parcel. Are they one story buildings?

B. Lord responds they are single story office/sales, carwash and reconditioning facilities.

GG states that the Board will send a letter to Town Counsel requesting a judgment as to whether or not this is an allowable use.

P. Herr notes there are more questions relative to the categories of use and which listed category of use schedule this would be in. Is it a use by right or a use requesting a special permit. If it is a use which requires a special permit does it require a major commercial complex because it is more than 50,000 square feet. He thinks that the use is permitted by right. He does not think it will require a special permit. He questions the status of Shoppes at City Lights, Lakeview Estates and Shores of Silver Lake.

B. Lord responds that the special permit for Shoppes has been signed. They will come back for the subdivision. Lakeview is continued to January 24, 1991. Shores is still in Court.



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GENERAL DISCUSSION

P. Herr met with the zoning Board of Appeals to discuss mechanical questions regarding Silver Heights. They were questions regarding the design of the road and the drainage system. They felt uneasy about being asked to do the Planning Board's job. They wrote to him before acting on an amendment to the plan. There are a series of Planning Board issues which will require the plans to come back before they are able to get building permits. The Planning Board needs to get together with the zoning Board of Appeals to get involved.

EM questions the number of houses being added.

P. Herr responds there are 8. The developer will bring an approval not required plan to the Board because they are existing streets. There is a question concerning the existing streets. The last time they were planning on streets which Mr. Fafard owned. The problem is that the ZBA does not feel confident acting on the comprehensive permits. The original Silver Heights plan came in under the Planning Board.

EN asks if affordable housing can bypass the Planning Board.

P. Herr indicates that is correct. There will be 2 affordable houses and 6 regular. They should be thinking about proposals to bring to the Town Meeting next spring. There are several topics they may want to work on. The state promulgated new well head regulations. Any new water withdrawal of 100 gallons a day would be allowed only in an area around the well protected with provisions with a lot in the Water Resource District. They could amend the Water Resource District law to comply with the state.

EM states it is a matter of matching the town's bylaw to go along with the state's. He questions if they can outlaw retention ponds.

P. Herr does not think it can be banned. They would have to find a solution.

B. Lord believes that several areas of the town require a change in zoning. He notes the area on Mill Street. They should create a district to allow light or heavy industrial.

EN thinks they will have to have the industrial commission look into that.

B. Lord indicates the town does not really have one any more. There



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are 7 houses on Maple Street in front of Somerville Lumber which are all zoned agricultural. They are 40,000 square foot lots. They should be suburban.

EN did not think they wanted to be included in the rezoning.

B. Lord believes there should be some restriction below the heavy industrial zone which they have now. He thinks the Planning Board should make an effort on it. They should make it so light businesses can go in but not heavy industrial.

P. Herr points out that a lot of town's have a distinction between light and heavy industrial. They do not have a clear definition of what it is. It is a heavy political issue.

GG thinks that the owners should take the initiative.

B. Lord is here on behalf of an owner.

P. Herr states that the distinction between light and heavy are almost never sized. It is tough to determine.

B. Lord explains that because the town is putting in additional parking they filled in the basin in the back and Mill Street is getting all washed out.

GG suggests B. Lord petition the Planning Board for rezoning.

P. Herr questions if the Site Plan Review law should be changed. Is the threshold of applicability too low? If the requirements of the Site Plan Review law are too tough, they should be addressed at the Town Meeting.

GG suggests they increase the numbers.

P. Herr explains that now any size new building has to come in.

EM states that before they had the requirement that anything over 20 parking spaces had to come in.

JM states that if he wanted to expand his building he would have to conform with the current requirements.

B. Lord believes that is because he has a nonconforming use with the parking.



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GG suggests that P. Herr review the law to see what he can come up with.

P. Herr states that 20 parking spaces and 3000 square feet floor area is not enough. Now zero is too tough.

GG states they should split the difference to 1500 square feet.

B. Lord thinks they should write it a way so that the Planning Board can waive it on an individual basis.

P. Herr states they could make the requirements a new building of 1500 square feet or more and 10 or more spaces. Just altering would not require someone to come in. It should include substantial alteration to parking facility affecting 10 or more spaces.

EM thinks they should make a provision to exclude the farm storage sheds.

GG reads letter from Diane Renaud, Shellendy Estates, dated November 10, 1990 requesting that the Board grant an extension to November 25, 1993.

JM makes a motion to grant the extension to November 25, 1993. EN seconds. Vote of 5.

GG instructs Clerk to send a letter noting the extension date to the developer and Town Clerk.

GG explains that Roger Gagnon, Elm Estates obtained a building permit with no bond on the lot. He came to the Planning Board meeting last time with a letter from the FDIC promising to provide an escrow account for the bond. The Board wrote to Town Counsel and the Building Inspector. The Building Inspector was not supposed to release a building permit until he received notification from Town Counsel.

EM notes that the developer also sent a homeowner down to the Building Inspector's office to get a wiring permit. A contractor can not say that the homeowner will do the wiring.

EN makes a motion to accept the minutes of November 8, 1990. EM seconds motion. Vote of 5.

GG will not be here on February 14 or February 28, 1991. They should not hold a meeting on December 27, 1990.



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EN makes a motion to change the meeting of December 13, 1990 to December 20, 1990.

AM seconds. Vote of 5.

Meeting adjourned at 11:12 p.m.


Glenn E. Gerrior, Chairman


Edward T. Moore, Vice-Chairman


Emile W. Niedzwiadek


Anne M. Morse

John P. Murray