



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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GLENN E. GERRIOR
EDWARD T. MOORE

MINUTES OF REGULAR MEETING

AUGUST 22, 1991

Meeting was called to order at 7:49 p.m. AM, EM, GG and EN were present at the start of the meeting. JM came in later. Board's consultant, Philip B. Herr, was also present.

BIRCH TREE ESTATES DISCUSSION

AM notes that Mr. Masse, owner of the lot with the drainage hole is not here yet.

W. Arcand, Highway Dept. notes that he went out to the lot. The drainage was built according to plan. They changed the plans a couple of times. The developer did what he was supposed to do.

AM asks if they should throw stones into the hole.

W. Arcand responds that they could rip-rap it. It is not very big. It was built according to the plan, according to what the engineer said. There was a public hearing when all the neighbors came in and said they wanted the drainage switched from the left side of the property to the right side of the property.

Bruce Wright, developer of Birch Tree Estates, sent his engineer there yesterday. Even after the hurricane, the engineer noted that there was only 22" of water.

EM asks if there is grading over the pipe.

B. Wright states that he said he would voluntarily put it in, but no one ever pushed the issue.

GG states it is a 15" pipe. Stuff can get caught behind it.

B. Lord states there is a partial grade.

W. Arcand indicates that they can drive a couple of lots right in front of it.



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AM reads letter from G. Daigle, Highway Superintendent, dated October 15, 1987, stating that he has inspected the drainage and it was installed according to Planning Board Subdivision Rules and Regulations.

EM states that the retention and drainage are not in. The developer said he would come in after the house was built to put in the drainage.

B. Wright notes that the only thing left to build is the headwall and put in the rip-rap. He suggested that a 10 wheel load of rip-rap be dumped in the hole. It does work the way it was designed. If they do that the water will disperse and go onto the lawn. It was designed and built the way it was supposed to be built. At the time of the public hearing, there were last minute changes because of concern voiced by the residents of Hilltop Estates.

W. Arcand notes that it is not a very big detention either.

B. Wright suggests they put steel beams across the hole and put a steel fence across it to keep the leaves out.

AM had thought that Mr. Wright had forfeited his passbook bond. He did respond quickly when she contacted him.

B. Wright notes that Mr. Masse bought his lot from Walpole Co-op. Mr. Wright has not owned the lots for some time. He sold all the lots to builders.

AM states that Mr. Masse bought the lot knowing that the detention was there.

EM notes that he bought the lot with an easement.

W. Arcand states that he is not an engineer, but he inspected the pipes. The headwalls are up. They could put in rip-rap. There is a question of elevation, but it does not mean anything because it has to go down. There were no houses in there when the Highway Dept. did their inspection. Mr. Masse built his house one mile in closer to the detention. The house is in 125 - 130'. Now the detention is right in his backyard.

B. Wright agrees that Mr. Masse built his house way back. He had



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to put a lot of fill in.

Mr. Peter Masse joins the discussion.

AM introduces B. Wright and W. Arcand to him. She explains that there is a problem because the lot is private property and exchanged hands many times since Mr. Wright's subdivision. She notes that W. Arcand said it was built according to the requirements. She did not realize that B. Wright was still in control of his passbook.

W. Arcand explains that when the inspection was done they found that the pipes are where they are supposed to be. There is a little detention center in front of the headwall. The Planning Board told him to build it that way because of the concerns of the neighbors from Hilltop Estates. The only obligation of the Highway Dept. is to ensure that it was built according to Planning Board specifications and regulations.

AM explains that it was suggested that an inexpensive solution would be for Mr. Masse to put in a 10 wheel load of rip-rap.

GG recalls the concerns of the residents from Hilltop. The pipe was brought to the end of the property for the drainage. That way the water would disperse on Mr. Wright's property before it got to the neighbors property.

P. Masse states that his concern is that what is sitting there is not safe.

GG notes that it is safer than a 30" pipe.

EM indicates that if the house had not been put so far back, maybe this would not be a problem. The house was built after the fact.

P. Masse responds that it is setback because the septic system could only go in the front of the house.

W. Arcand asks what year it was accepted by the Highway Dept.

AM refers to the 1987 letter from G. Daigle. The drainage and sub-base were in in 1987. This is not within the scope of the Board at this point. A 10 wheel load of rip-rap will allow it to



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flow. If he did that, he would not have to worry about someone falling in and drowning.

EM asks how it worked with the hurricane.

P. Masse responds that it fills up as soon as it rains. It was about 2 1/2' deep.

B. Wright states that it was 22" yesterday when his engineer was there.

P. Masse asks if the town will drop the rip-rap in.

AM explains that the Board was told that the drainage is correct, the way it was designed. Therefore, they do not have the authority to do that.

P. Masse states that if Mr. Wright is looking for release of his bond, he will sue the town. Would it be worth it for just one load of rip-raf?

AM states that he would not be suing the proper person. It is not within the scope of the Board to authorize the rip-rap.

W. Arcand explains that the subdivision is not an accepted subdivision. It is not within the scope of the Highway Dept. because it is private property. Everything was done according to the plan.

P. Masse asks if he can fill the hole in.

W. Arcand states that he would have to be careful.

GG notes that the town has an easement on the property. If he filled it in, the town could take him to court.

W. Arcand asks whose responsibility it is.

P. Herr responds that whoever owns the street is responsible.

B. Wright owns the street. He was asked by the Board not to put the top dressing on the street until the houses were in. Because of that he had to pay more to complete the road. He received a letter from the Board last year stating that the road was



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supposed to be completed by October 1989. He did not complete it because the Board asked him to wait.

P. Herr asks who owns the street and the easement.

B. Wright states that he sold 4 lots to Bonnie Realty Trust in 1987.

P. Herr states that the easement goes with the street.

W. Arcand notes that the drainage is running perfectly. There is no problem as far as the drainage goes.

AM states that they can not hold up release of the bond because of liability.

EM does not see this as any different than David Road where there is a lawsuit pending. They still released the bond because the project was complete.

GG states that since the drainage works, the solution is to put in rip-rap. They can't block the pipe. If they grade in front of the pipe it will back up.

B. Wright states that rip-rap dumped over the headwall will clog the pipe.

W. Arcand states that they could make a trench 150' further out so it will come out level, but they do not know who owns the property.

GG states that trenching will effect the people of Hilltop or the people on Chestnut Street.

EM explains that the reason they can not increase it is because of the runoff onto someone else's property.

GG states that this was part of the design scheme to make this project work.

AM reiterates that it is not within the scope of the Board to take care of this.

B. Wright states that Mr. Masse does have the right to buy a load



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of rip-rap and put it in.

W. Arcand states that the Highway Superintendent will have to answer that. A fence around it would be cheaper than a load of stone.

B. Wright indicates that a load of stone would look better than a fence in the middle of the yard.

W. Arcand states there is a problem because of the accumulation of leaves.

GG states that the stone will go to the base of the pipe. He asks what the distance from the base of the pipe to ground level.

B. Wright responds that it is 15 - 18".

P. Herr states that every stone will reduce the retention capacity.

P. Masse states that putting a fence over it or filling it in will slow down all the water.

EM notes that it is supposed to retain water and disperse it slowly. That is what it is doing.

B. Wright states that if they put the stone in, it will disperse over his backyard.

EM thinks that the town should have a bylaw doing away with retention and detention ponds.

B. Wright has worked with Mr. Masse in the past. They may be able to split the difference. He is already out of pocket with regard to this development.

GG suggests they check with G. Daigle, Highway Superintendent, first before doing anything.

EN states that they should inform the Board about what is done so it can be made part of the record.

P. Herr asks if Mr. Wright has a request relative to release of his security.



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B. Wright states that if the Board releases his bond, he will have money to put up for the stone.

AM reads letter from B. Wright asking for release of his bond for Birch Tree Estates.

B. Wright presents as-built.

AM asks if they have to keep a percentage of the bond.

B. Wright responds that no, they do not since it went through 4 winters.

AM asks him to include the passbook account number on his request.

EM makes a motion to send a letter to Gene Corriveau, Town Treasurer to release the bond in Passbook Number 148393, Milford Savings Bank, in its entirety to ABS Realty Trust. JM seconds motion. Unanimous vote of 5.

RIVERVIEW PARK PHASE III DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING

B. Lord is here to discuss Phase III. He points out High Street and Maple Street on the plan. He explains that they are going to complete the loop from Maple Street to Maple Street. He identifies changes in the pipe since the last time they were in including 5 drainage plans, sheets 13 - 17. The section from Maple Street to Century Blvd. will be redesigned. They will have a minimum site distance of 450'. The drainage profile on sheet 4 will be clarified. Access to detention basin 4 has been revised by widening and leveling so a vehicle can drive down to the basin. They included access through Phase 4 with a note 9 on sheet 1. They have brought the subdivision into compliance with these revisions. Janice Hannert from Fafard has been discussing this with P. Herr during the last couple of months. They feel that it is ready for approval because it is in compliance. It is the same design as Phase 4. He presents a requested Form D-1 for approval and endorsement. It is in line with what the Board approved for Phase 4. The only variation on the D-1 is the road system set up. Reliant completion on Phase 4 was opposed.



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P. Herr spoke with M. Megalli today. He referred to the content of his earlier letter to the Board approving the subdivision because it is in compliance. The changes which they made do not effect the issues which he raised. It is ready to be acted on. Phases 3 and 4 are now very different from the way they started. There is an improvement over what was earlier proposed. They are protecting the town with the off-site improvements.

EM refers to his notes on June 27, 1991. He asks if those issues were corrected.

P. Herr responds that they were. There was a big paragraph in an earlier draft of the decision which went away.

EM asks if the decision has been run by Town Counsel.

B. Lord states that it is identical to Phase 4.

EN makes a motion to close the hearing for Phase 3, Riverview Park. JM seconds motion. Unanimous vote of 5.

EM makes a motion to approve Phase 3, Riverview Park, subject to review of the D-1, approving Phase 3, by Town Counsel. EN seconds motion. Unanimous vote of 5.

B. Lord reiterates that this decision is the same as the previous one for Phase 4.

P. Herr suggests that the Board execute the Certificate of Approval, but not file it until it is reviewed by Town Counsel. If there are problems with the form, it will not get filed. Otherwise, it will be filed and the clock will start ticking.

EM thought that when P. Herr said that a paragraph of the decision went away, that was because Town Counsel had reviewed it.

PLANNING BOARD ASSOCIATE MEMBER

AM explains that Billiegene Lavalley was the only applicant for the position of Alternate Member. The appointment has to be made jointly with the Board of Selectmen. AM asked Mrs. Lavalley to attend tonight's meeting because of the Stallbrook special permit which is coming up tonight.



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EM has no problem with the appointment and makes a motion to appoint Billiegene Lavallee as Alternate Member of the Planning Board. EN seconds motion. Unanimous vote of 5 to appoint Billiegene Lavallee as Alternate Member.

AM instructs Clerk to forward a letter to the Board of Selectmen notifying them of the Board's decision and vote. She notes that the only other applicant, Ernie Taft, decided that he could not do it. He is involved with cable and would not be able to come to meetings. AM welcomes Mrs. Lavallee to the Board and asks her to sit with the Board members.

STALLBROOK CENTER
SPECIAL PERMIT MAJOR COMMERCIAL COMPLEX
PUBLIC HEARING

AM opens the public hearing.

Clerk reads Notice of Public Hearing.

Ted Tye, National Development Associates, Inc., applicant, introduces himself.

EM explains that although his brother is an abutter to this project and lives a half a mile away, he has no problem with sitting on the Board for the discussion as long as the applicant does not mind.

AM discloses that she has done business with Varney Brothers in the past but feels that enough time has elapsed so there would be no problem with her sitting.

T. Tye appreciates the members' disclosures and states that they have no problem with EM and AM sitting on the Board for this project. They are here for the Board to hear jointly their request for Special Permit and Developmental Plan Review. The hearings will be held simultaneously. They will also be submitting an Approval Not Required plan. During the past two months, their project team has held meetings with various town officials and the Board's consultant, Philip Herr. They have a supplemental set of plans with additional information and minor revisions which were requested. They are not asking for approval tonight. The supplemental package is coming in for review. He introduces Robert Fishman, Esquire, their attorney from Nutter,



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McClennan & Fish and Richard Schwartz, Esquire from the same law firm as well as Bill Roache, Vanasse, Hangen and Brustlin, their traffic engineers, Marion Presman, landscaping, Regina Schaen, architect, and Denis Lowry, LEP. He explains the history of the project. It is a 130 acre parcel at Hartford Avenue and 495. Much of the site is unbuildable. In the past it was used for gravel removal and it is used by dirt bikers and 4 wheel drive vehicles. They came in 3 years ago with the original 3 phase project of 575,000 square feet of which 237,000 was to be retail. They spent a lot of time on this project. They went through MEPA at the state level, but the project was ultimately withdrawn without prejudice. They are now working on a tight time schedule. They are now proposing a 230,000 square foot retail project with an additional 30,000 for expansion, totalling 260,000 square foot retail. The land which was previously reserved for office is not designated for office at this time. It is not economically feasible or suitable for that at this time. They submitted a Notice of Project Change to MEPA. MEPA decided that no further study was needed. They have MEPA's blessing at this time. They initially went to MEPA for the 575,000 square feet but now there will be 260,000 square feet.

P. Herr explains that parcel 1 is divided into 3 lots - 2 big and 1 small. The 2 big lots will be the 260,000 square foot retail area. That is it since nothing else is proposed. The special permit can be written to say that is it.

EM asks if lot 3 is over by the power lines.

P. Herr responds that it is.

EM asks what happens if they want to develop that lot two years down the road.

T. Tye responds that lot 3 is not part of their proposal.

EM indicates that the last time they were in everything had to be shown, including traffic.

T. Tye states that MEPA only approved the project which they are here for. Anything else will have to go through the process. There are 7 acres to the left with utility poles on it with mountains of fill. The total area is 130 acres. This project impacts 22 acres of impervious surface. The majority of the site



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is unbuildable land because it is mostly wet. This project will never impact that area. He points out 495/Hartford Avenue and the town cemetery on their plan. It is not possible to build the 120,000 square feet of office space which they had on their previous plan. The plan is similar to the previous plan for phase 1. The entrance, located on Hartford Avenue, is the same as on the previous plan. They will have a major department store of 150,000 square feet. It will be 20,000 square feet in the initial stage with expansion space reserved. The remainder of the project will be a supermarket with smaller store areas adjacent to that. All the buildings will have loading areas, but the department store and the supermarket will have loading docks. Pedestrian access will be at the front of the stores. For signage they will have a pylon sign in the front which will be small consistent with the Zoning Bylaw for the town. The small pylon sign will be adjacent to 495. Everything beyond that line is owned by the state. It is heavily wooded and all trees will remain. The project is currently under review by the Conservation Commission. They met last week and filed an Order of Conditions. It does not involve filling or altering the wetlands. Some of the construction will come within 100' of the buffer zone and that is the reason why the Conservation Commission has jurisdiction. During the MEPA study, they found they are in proximity to the town well. They will design the drainage system with catch basins with oil traps in the parking lot. It will flow to one of two detention ponds at the rear of the site. The detention ponds will be shallow. From the filtration process, the water will flow to the wetlands. The cleanest water from the roof tops will be put through the ground with perforated pipes to recharge the wetlands. The overflow from the perforated pipes will go back to the detention area. The submittal includes changes based on comments by the Town Engineer and the Fire Dept. The water line will be looped to come in Hartford Avenue at the front of the buildings. It will be looped around both buildings. They will have additional hydrants in the parking lot in response to comments from the Fire Dept. He points out the drainage in green. The red line depicts the sewer site and the sewerage pumping station. They will have a forced main off site to Rt. 126. They will have valid state and local sewer permits. There will be extensive improvements out of the site where 126 ties into the town. There would be an easier way to get in at the railroad right of way. The Water/Sewer Dept. asked them to pursue this route because it is consistent with the long term sewer plan for the town even though it will mean double the



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cost for them. The estimated cost is \$500,000. The capacity will provide roughly 3 - 4 times what is addressed on the site. It is consistent with the town's long term master plan for businesses and residents in the area. The site will be serviced by gas, telephone and electric. He introduces Marion Presman who completed the landscape design. They will comply with the Bylaw with regard to the number of trees and the number of shrubs. People ask how many trees will be lot on the site. There is a lot of sand on the site and few trees. There is a small clump of trees on the site which will be eliminated. It is the equivalent to what would be taken down on a house lot. All the trees along 495 will be maintained. The view will be exactly as it is today. Bellingham has a restrictive lighting bylaw including a requirement for downgrading which they are complying with. Bill Roache will provide the detailed explanation regarding traffic. The traffic scheme was discussed 3 years ago. What they are proposing today is very similar to what was proposed previously. They retested the traffic. The traffic is down relective of the current state of the Massachusetts economy. The traffic plan will cost close to \$500,000 for a total for off site improvements of \$1,000,000. The plan consists of improving the dangerous curve along the cemetary and improving the site distance. They will have double signalization at the entrance to the project and the ramp on 495 which will be sequenced together so the traffic will flow freely. The plan was reviewed by the Police Dept. and the Safety Officer who requested that an additional sign be placed to make motorists aware that there is a signal ahead. It will be incorporated into the plan. The plan does not solve the long term problems which the town has on the other side of 495. Improvements will solve the existing problems. They were asked in the special permit application what benefit this proposal would have for the town. The project sits on Rt. 495 which is the gateway to the town. The tenants will not allow them to say their name, but it will be a very good shopping center which will be an amenity to the town. It will create jobs for the town which they estimate to be 500 between construction and permanent for a total of 250 permanent jobs. The tenants are sensitive to working with local people. There will be a good amount of tax dollars. They plan to begin construction in the fall and open in 1992. The shopping will provide a very attractive amenity and benefit the town. It will enhance property values. The sewer is a major benefit above what is required for the project. They made a committment to build much more capacity and route more than they need. The traffic benefit will solve the traffic



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problem for this section of 495. The project has no impact on the neighbors. He does not think that anyone will see the project. They will continue to be involved as owners with S.R. Weiner & Associates. They will have a joint venture on the project.

AM reads letter from Richard F. Ranieri, Fire Chief, dated August 12, 1991, wherein he makes the following comments: 1) He recommends that there be a second tie in to Hartford Avenue with a 10" main to allow for an alternate feed. The second tie in should be to the existing 16" main on Hartford Avenue.

T. Tye indicates that they concur. The second tie in will be shown on the revised plan.

AM reads the next comment from the Fire Chief's letter, 2) An additional hydrant be located along the southwest corner in the area of Store "E" to avail the hydrant access in that corner of the development.

T. Tye indicates that is on the plan.

AM reads comment 3) from the Fire Chief's letter. 3) states that he wishes to explore the installation of an emergency access road for emergency vehicles in the event that a bottleneck occurred at the main entrance to the site.

T. Tye responds that is also shown on the plans. They show a paved 20' roadway with a crash gate for the emergency access. That has not been reviewed by the Fire Dept.

AM reads item 4) from the Fire Chief's letter stating that the water mains and hydrants should be installed prior to commencement of construction of buildings for use during the construction phase.

T. Tye states that some of it will be concurrent. He will discuss that with the Fire Chief.

AM reads letter from Donald DiMartino, Water/Sewer Dept. Superintendent, dated August 15, 1991, wherein he identifies a number of items which he feels should be addressed. 1) The water main should enter the site from two locations, one through each lot. The lines should be connected from one lot to the other with a gate valve at or near the property line. Both lines



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should be connected to the 16" main in Hartford Avenue with a tapping sleeve and valve. Even if the property is not divided into two lots, the water line should be brought in front to two locations, to complete a loop. 2) A hydrant should be added in the southwest corner of the parking lot. 3) The water pipes can be C-900 rather than ductile iron. 4) The plans for the Hartford Avenue sewer extension should be part of the submittal package. 5) A privilege fee must be paid by N.D.A.I. when they start work on the sewer installation on Hartford Avenue. The plans should include the design flow of sewage, so the fee can be accurately calculated. 6) The plans should include a drawing of the sewer line profiles for the on site sewer works. 7) Specifications, stand-by power, and primary power lines for the pumping station should be included with the plans. He feels that the plans submitted are not complete enough for him to accept them.

T. Tye states that they are fine with all of those points. The hydrant will be added to the southwest corner. They met with the Town Engineer who asked for profiles. They will get them.

EM asks if the Town Engineer wants that submitted to him.

T. Tye responds that the package will go to the whole group of town officials.

JM notes that it is difficult to tell what the traffic impact will be without knowing who the tenant will be.

T. Tye can only say that it is a large national department store chain.

EM states that this project is half the size of the previous proposal.

T. Tye responds that the previous proposal was for 575,000 square feet. This one is for 260,000 including 30,000 for expansion which they are asking to be reserved and approved up front. The initial center will be 230,000 square feet.

P. Herr explains that the Board is being asked to approve a special permit for 260,000 square feet so the applicant will not have to come back when they go to build the additional 30,000 square feet.



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JM thinks that the traffic will flow pretty much the same as with the previous proposal.

EM points out that this is half the size and it will use half the water. The other proposal used 44,000 gallons of water per day.

T. Tye indicates that they will use 13,000 gallons of water per day for water/sewer combined based on Title 5 standards.

AM used to live on Deerfield Lane. She asks how the proposal will effect traffic on that street.

T. Tye turns to William Roache, Vanasse Hangen & Brustlin to respond to that question.

W. Roache has worked on this proposal since 1987. He is familiar with the issues. They have worked with the town to come up with a consensus plan. They always focused on this side of the interchange (pointing to the plan). Their propoosal starts on the east side of the cemetary and works back through the off ramp off 495. They will realign the roadway and move the cemetary wall back. They will be lowering the grade to take down the crest of the curve. By widening the cemetary road, they will have a 4 lane roadway to the 495 ramps. They will have signalization on the off ramp and at the entrance to the drive of the site which will be coordinated. The improvements will cost \$500,000. District 6 of the state DPW is in general concurrence with the plan, which is subject to final design revisions. They met with Sgt. Haughey who recommended providing an advanced signalization sign on Rt. 126. The landscaping will not restrict the site lines. The intersection will operate at level of service B. The levels are A - F. They counted the traffic in April when the volume was down 8 - 10%. Sgt. Haughey confirmed this. It is attributable to the recession. They assumed that it would grow in their analysis. In 1998 it continues to function. During evening peak hours, the traffic off the ramp at the intersection of the ramps and Deerfield Lane backs up for 20 - 40 minutes. The town could use the police to get the traffic moving. They have done that in the past. MEPA identified that they need signalization at the southbound 495 ramps and geometric improvements to S. Main Street. The question is who will do it. They need a signal at the location. It is a matter of economics.

AM asks how this project will effect the existing traffic.



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W. Roache responds that it will add to that, but it will not be coincidental with the peak hours. If they did not add the left turn signal, it would operate at a level of service E - F condition. The left signal at the end will help create a gap.

EN thinks it would create traffic on 495 in the breakdown lane toward Milford.

GG states that the morning traffic to Medway is bad and in the afternoon coming back. The lights will stop for a certain amount of time giving them a change to move the traffic.

W. Roache states that there will be some beneficial impact, but it will not take the problem away. This development will not make it noticeably worse.

EN points out that it is already backed up.

JM thinks that maybe the state can come in and take care of the problem.

W. Roache states that the town could have police control at the intersection at the busiest time of day.

AM notes that the Police Dept. has suffered cutbacks and does not have the funds to place an officer there. She asks him to address the impact to the other section. She asks how much it will cost to do something for the other side.

W. Roache responds that it will cost between \$150,000 and \$200,000 to do something. Their project will not generate morning traffic. The stores do not open until after the morning peak hour. They do not generate traffic during the peak hours.

AM asks what hours are considered peak for them.

W. Roache responds that it is during the evening between 7:00 - 8:00 p.m. Their busiest time is on Saturday. They know what the solution is and they know what it will cost, but it is beyond what this project can do.

AM asks if they could spend less on the other side and take care of that problem.



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W. Roache responds that they need to do the curve to make it safe. The project is trying to remedy that problem.

T. Tye states that when you look at site improvements per 3.75 square feet, they are doing beyond the standard. These improvements test the economics of the project. The town can address the problem when the project is built. The tax revenue which they will provide the first year will be enough to address the problem. They have a low demand on municipal services. They do not send anyone to school. They do not require trash pick-up. They are not a net tax user.

EN states that this was discussed during the Shoppes at City Lights project. He asks who it was determined should pay for the improvements?

P. Herr states that a substantial study was undertaken involving the 3 organizations including NDAI, Fafard and Nordblum. The analysis was the basis for the fee. The talk here is consistent with the fee levels which grew out of that study. If the 3 parties built what they are presenting, they would be responsible for half of the improvements on the road. The rest of the improvements had nothing to do with their projects. The other side of 495 may be a problem, but it is not one that was addressed.

JM asks what Shoppes at City Lights did.

P. Herr explains that the Board put conditions on the special permit for the developer to either do the improvements or put up money equivalent to \$1.50 per square foot. They spent many months figuring out how to piecemeal the road and they did not find an answer.

EN states that the people know it is a big problem. They know and we know that it will be a bigger problem.

P. Herr states that no one is saying that.

EN thinks they are passing over that issue.

P. Herr states that if Shoppes and Nordblum came in at once, they could solve it since they would have enough revenue.



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JM states that the town could put a traffic cop at the intersection some of the time.

W. Roache states that having a traffic officer there would do the same as the traffic signal. He will break the traffic stream allowing the left turns to steer out.

AM notes that it took a long time to get out when she lived on Deerfield Lane.

W. Roache states that the traffic can back up for 20 - 30 minute periods. 4:30 - 5:00 p.m. is difficult. A policeman would help at Deerfield Lane. There is no solution all at once. This will solve half the problem. The other problem is similar. They need a signal at the ramps with a signal at Shoppes at city Lights. The improvements will be broken up into 2 phases. This project does not address that issue. He states that their 1987 projections have not materialized yet.

T. Tye notes that when the study was done a lot of people were up in the sky with what was going to be built. The Nordblum office park is not there. It is the wrong concept. Their study made a lot of incorrect statements.

P. Herr does not think they made a mistake. The study took the statements of the property interests who told them what was planned. The study was a consequence of that.

EM asks if the study called for complete improvements or just this development.

P. Herr states that Bruce Campbell and Associates determined that they should widen the streets at the cross section to accomodate the additional traffic.

EM thinks it would be better to do it all at once instead of tearing up the road again in the future.

P. Herr agrees, but they can not do that.

T. Tye indicates that it serves the long term requirement. The road will not have to be torn up if it is built and solves the problem on this side of the roadway.



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EM would hate to see repetitiousness.

T. Tye indicates that they would be widening the roadway.

W. Roache explains that in advance of the power lines to the limits of the project they will be resurfacing and regrading.

T. Tye points out that there is no necessity for land taking. Everything can be done in the existing right of way. They pushed their plan back to allow for an additional lien if widening takes place in the future.

EM asks if they will put a stockade fence at the cemetery. They had no problem with that request the last time.

T. Tye will touch base with the Cemetery Commission to discuss that.

Marion Fresley, Registered Landscape Architect, introduces herself. She explains that she tried to maintain the buffers along the perimeter. They will leave the existing trees in groups. They will have a line of evergreen and deciduous at the entry. The entry will have in shrub planting, in the back, not blocking the site lines. The size of the plants include a mix of 3" - 3 1/2" caliper which is 14 - 16' in height. They will include deciduous, red pines 7 - 8" high and crab apples 7" in height. They will have low evergreen junipers at the edge of the stores. They had to take the utility lines into consideration. The low height does not block the light which the downlighting is providing. The spacing of the trees reflects that. They will have a buffer along the store fronts.

T. Tye states they are maintaining a balance between the tenant requirements for visibility and safety requirements. The site has an advantage with an lot of existing vegetation along the border which will be maintained.

AM asks if the Board members have any further questions. She calls for questions from the audience instructing that anyone with a question should raise their hand and state their name and address for the record.

Jean Cormier, 316 Hartford Avenue, asks how one will access the cemetery if they move the curve for the cemetery. The road



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coming up is skinny.

W. Roache points out the access drive to the cemetery. There will be a grass buffer area between the existing wall. The grass buffer will be at the same elevation of the road.

J. Cormier asks if the sewer system will allow neighbors on that side to tie in.

T. Tye states that the sewer will go from the entrance of the site to Maple Street. They will set up connections all the way so residents along the way on either side can tie in.

Leslie Glover, 26 Deerfield Lane, has lived on the street for 17 years. The problem is the other exit on the other side of the highway.

T. Tye states that the problem exists at both areas.

L. Glover states that the problem on the other side is more severe.

EM notes that the problem is that this developer is not building on the other side.

GG believes that the lights would be more beneficial down further instead of the one which they propose.

W. Roache states that they need to provide a break for the traffic for movement. The left lane will come to the shopping center. They need to have a signal.

Julie Sweat, N. Main Street, asks how far back the traffic will go at the first set of lights down to Hartford Avenue.

W. Roache states that they did widening to allow for 2 lanes due to the widening back to the cemetery. Their drive will be 250 - 300'. There is a free right hand lane to turn into the shopping center which does not add backup.

Kenneth Krull, 22 Deerfield Lane, asks if they will widen both sides of the road.

W. Roache responds that it occurs at the area of the ramps on



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their side.

K. Krull asks if they will be building a new road along side of the old one.

W. Roache responds that they will be building a 4 lane road. They will not need a breakdown lane with 4 lanes. The improvements will make this work and will make it safe.

K. Krull asks how far back across the bridge the traffic at the ramp will stop.

W. Roache indicates it will be 250 - 300' in back of the signal.

K. Krull indicates that they will be ignoring the other side of the highway.

W. Roache is not saying they will ignore the problem there. Some additional development may be able to take care of it. The problem is not going away. Something needs to be done.

K. Krull previously heard that they would do something for the other side of the highway. He asks how they can say their project will never get bigger.

T. Tye responds that the project which they are proposing is for 260,000 square feet. That is all that will be built on the site forever. They are not proposing the 120,000 square foot office space. The store is being pushed back. The wetlands had to be reflagged and come up further than they originally thought. There is a power line easement along the sides of the research and development buildings which are not proposed now. He may come back 10 years from now; he does not know, but they would have to go before the state and the town again.

K. Krull asks how the project got cut in half.

T. Tye states that this involves more parking than before. The town could take the tax revenue and earmark it for the signal. They estimate \$200,000 in taxes annually, probably more. They went through this process in Franklin with Forge Park. They can not solve all the problems.

Kim Todd, 13 Deerfield Lane, asks for comparisons in size for



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this project to other shopping centers.

T. Tye responds that it is comparable to Franklin Village without the office space. The supermarket is smaller but the department store is bigger. The impervious surface of the two shopping centers may be about the same. They will have a supermarket, a department store and 50,000 square feet for smaller stores.

K. Todd asks about the water problem in that part of town. The residents can not drink the water. Some people do not even have water. The pressure is low. She asks how this project will affect that.

T. Tye states that the department store will only use water for bathroom use.

EN states that the problem is that there is no water now. He asks about the water supply to the area.

T. Tye responds that is a good question for the Water/Sewer Dept.

EM states that they will use 13,000 gallons per day. There may be a well and filtration in the area. He would think that the Water/Sewer Dept. would look at that.

AM refers to the letter from the Water Commissioner voicing his concerns.

K. Todd is concerned because there are a lot of unfinished projects in town which are not being completed sometimes with open foundations.

AM does not think that will happen here.

T. Tye states that they will not get started until their major tenant is secured and ready to go. Forge Park was started in 1986 with a 3 million square foot office/business park. It is an \$8 million infrastructure. The town should get a sense of their management and quality from their other developments. The company has completed over 5 million square feet in the area.

K. Todd asks if this is a strip shopping center.

T. Tye responds that it is not an enclosed mall, so technically,



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it is.

K. Todd believes that people coming off the southbound ramp will effect their customers because they will be backed up 495. It will definitely happen during Christmas season. She avoids going on the ramp by taking the back roads. It is a problem and will be for their customers.

EM asks if the developer is dead against doing anything for the other side.

T. Tye states that they just can't do it.

Steve Kent, 14 Deerfield Lane, also has to be waiting at the end of the line at the ramp. He will have to wait for all of their customers at the ramp. It is a financial situation. Why do they have to wait for someone to get hurt because something is done? It is too bad it has come down to dollars and cents.

EN states that maybe the developer is ruling out the other improvements, but he is not.

K. Todd refers to the statement relative to improvements of property values. There are a dozen houses on Deerfield Lane which are probably forgotten. This project will not improve their property values. They will go down because people will not want to live there.

EM points out that a requirement of a special permit is for traffic flow and safety.

S. Kent states that the policeman said they could ask for lights with 100 petitioners.

P. Herr passes out handout which shows his numbers relative to the number of jobs created by this project as well as the tax revenue. He states that his analysis shows that the number of jobs which will be created is considerably larger than what was presented by the applicant. Their tax revenue numbers were also conservative. He completed his analysis using the 1987 data. He estimates they will pay \$240,000 in taxes. He refers to the fire cost/police cost. If a policeman is stationed on the premises at their request, they will pay for it, but if there is a robbery or they have to check they premises at night, the developer will not



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pay. The real issue is state aid. It gets distributed at assessed valuation per capita. With this project, there is a substantial increase in assessed valuation per capita. There is a clear fiscal benefit. Based on the 1987 numbers, the town would lose \$200,000 without this project. He thinks there is a better way to do the site plan than the plan which was proposed. He is concerned about the trees. Several specimen trees which are still there are not shown on the drawings. He is concerned that the only trees which will be retained are in the public right of way.

Marion Presley states that the landscaping plan was taken off an air photo of the site. It was put on before other information. There are groups of trees in the center. The site has to be surveyed before the actual plan can be completed.

P. Herr notes that it is a requirement of the Board that trees of certain sizes be shown on the plan. Parking within 300' of the entrance does not meet the rule of the Board. He is not sure that the amount of vegetation is enough to break it up visually. The Board can determine that the landscaping rules are not adhered to. They do not meet the 300' proximity rule. There is half as much parking as is required. The drainage issues are less. The Board has to make a finding that the traffic flow and safety are adequately served. It is legitimate to say that the developer should make a contribution for the traffic they are responsible for. They are totally curing the traffic problem at one intersection which they are not creating. They would be exacerbating the problem at Deerfield Lane and N. Main Street. That is a determination that the Board has to make. There are a number of technical issues, most of which will be addressed at Development Plan Review. The issues which he presented before are with respect to the special permit. He thinks this is the right use at that location, but he wishes it could be larger.

EM states that this is half the project which the applicant previously presented, but they are doing the same road improvements.

P. Herr responds that is not correct.

T. Tye notes that the road improvements are not exactly the same as before.



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B. Roache notes that before they were going to have a 3 phase project.

T. Tye is sensitive to keeping the trees. They have an 80,000 square foot building which is on a developable sandy pit. The main 100 acres is shown in its present form.

EM asks where the 100 acres are.

T. Tye states that they are spread around the site. They have 22 acres of impervious surface. He is certain that many of the trees can be retained. They are constrained by the grading for the retail center. The development will be built within the standards. The parking meets the requirements. Retail developments usually have 5 1/2 to 7 1/2 spaces per thousand square feet. This center will have 6 spaces per thousand square feet. That is within the tenants requirements and the requirements of the site. This plan does not impact the wetlands at all. They spent months working on this. It works to retain their point of view. They cannot start from scratch now to rework the plan. They already show the buildings and the site plan. It would not be practical to start over. They included a draft decision with their filing. They are not trying to be presumptuous. It is a basis to review what the Board intends to require.

GG notes that they show a left into the center. They need the left in in order to get the customers into their project.

T. Tye notes that it will not only help them. They could build their project in any community. They are also doing the site widening and the ramp. They are asking a developer for improvements in a tough market. There are problems to the other side of the road.

EN points out that the state contributed to the problem. A ramp would take care of the problem.

T. Tye agrees. The state built 495 without the proper ramps.

W. Roache states that the existing problem is that the cars are trying to turn left without signal access. It does not work.

JM states that maybe a signal needs to be up at the next



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intersection also.

K. Todd states that all the trees help as a buffer zone. It helps to keep the noise down.

P. Herr notes that the developer's sign is west of some trees that buffer along the road. Either the sign is in the street right of way or the sign is on their property.

T. Tye assumes that the sign is on their property. Some of the trees on the site will be cleared for grading. He points out the trees which will be removed to provide grading on the landscaping plan.

Charles Todd, 13 Deerfield Lane, points out that if they are taking trees down, the residents will hear the noise. Now the dirt bikes sound like they are in his backyard.

T. Tye states that there are not many trees to take down.

C. Todd asks why they do not save the trees now if they can.

T. Tye points out that they will replace more trees than they are taking down.

JM makes a motion to continue this discussion to another night. EN seconds motion.

P. Herr thinks the Board should make it clear what the developer should have for the next meeting.

JM thinks they are intelligent enough to know what should be done.

EM refers to allowing parking within 300' of the entrance in Section 3334 Adequacy of Access. It states they may have required parking within 300'.

P. Herr states that is regard to Development Plan Review.

Robert Fishman, Esquire, states that Section 3510 refers to alternative to specifications taking certain matters into account.



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AM states that the Board would like to see them address the other side of the intersection off 495. They are at a stand still on that issue.

EM thinks they should have an answer relative to the water situation by the next meeting.

AM instructs Clerk to send a letter to the Water Dept. asking them to address the issues relative to water flow and capacity.

P. Herr states that this project will provide \$250,000 in tax revenue. D. Fraine, Town Engineer and the Board of Selectmen may be able to work something out with the developer. If he sat on the Board he would not want to approve this project without considering the people on Deerfield Lane.

EN is more concerned about the people who live in this town.

P. Herr states that the signal is a pivotal issue. He is sensitive to trees and where the existing trees are. They should provide a better understanding with respect to the trees. They should also provide information with respect to the water supply. 13,000 gallons a day is not a lot. The Board would be improving the classic American strip mall.

GG suggests they set up a meeting which they can ask D. Fraine to organize to discuss the traffic concerns.

AM will call D. Fraine and ask him to arrange the meeting.

GG thinks that all Planning Board members should be present at that meeting.

T. Tye notes that cannot be done because it would violate the open meeting law.

JM makes a motion to continue the public hearing relative to the special permit for Stallbrook Center to September 26, 1991 at 8:30 p.m. EN seconds motion. Unanimous vote of 5.

MAPLE STREET REZONING

P. Herr distributes a handout which he prepared relative to the Maple Street rezoning. He notes that Sections A1 and A2 on his



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map may possibly be rezoned to suburban. A3 refers to the dark triangle. It is a complicated piece of land. Mr. Fafard owns part of the lot. It limits the ability to use the lot because they are gaining access to a bigger lot. He proposes rezoning A3 from suburban to industrial to put the whole lot in one zone.

EM notes that making it industrial would give them access instead of blocking it.

P. Herr states it would be better to gain access to the northern part instead of the southern part because the corner is zoned suburban. The B1 and B2 areas are much bigger and therefore involve a real policy change. The question is whether they should consider B1 or B2 or something more modest.

EN asks if this would be a problem with the residents.

P. Herr states that the residents would like to rezone it all.

B. Lord states that rezoning B2 borders on a land taking situation. The real burden would be put on 2 landowners. They would lose serious value of their land.

EM thinks it should have been done 10 years ago.

P. Herr states they would rather have B1 zoned suburban instead of industrial.

B. Lord indicates that the landowners have a larger piece of land. If they do not want to have it rezoned, the town will have to listen to them.

EM believes they should have a meeting and invite the landowners in to discuss it.

B. Lord thinks they should have a discussion with the landowner with the large pieces regarding the use of their land.

EN asks about Depot Street.

P. Herr passes out maps. D. Fraine checked with the major landowner. He said he would be very interested in rezoning. Both are being considered.



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EM states they are getting closer to a residential road which does not exist.

B. Lord states that is the old Taunton Street. It was blocked off. Varney made an exchange deal with the town. The town allowed him to block off Taunton Street in exchange for something else.

P. Herr does not know how to stop the railroad from going there. He asks why it is on the west side and not the east side.

EM thinks that the piece may have an intended use.

P. Herr thinks they should look at the area which is zoned agricultural. He points out a bunch of houses in the white area.

B. Lord points out if they rezone to industrial, they will have to provide a substantial biffer.

P. Herr states that they could not leave it with industrial on the east side of Depot Street. The Cogeneration is north of it. He asks how much property Varney owns.

B. Lord responds that he owns everything - all the land east of Depot street and the gravel pits. It does not develop easily as residential.

P. Herr states that if Varney owns all the land, they should engage someone to put together a proposal for the area. The land on the east side of Depot Street is useless. Maybe someone should discuss it with Mr. Varney to see what he wants to do.

EN points out that Mr. Varney used to get his cement by railroad. He bought the land to prevent problems.

GG states that someone could contact Mr. Varney and tell him if he is interested he can come forward.

EN makes a nmotion to accept the minutes of July 25, 1991 with a revision to change Lionel Massey to Peter Masse. He notes that JM was absent for the 81-P vote on that date.

EN notes that the alternate member cannot participate if 5 members are here.



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EM seconds EN's motion relative to the July 25, 1991 minutes. Vote of 4 (AM, EM, EN and GG). JM not present.

AM reads letter from Thomas Clark, Evergreen Construction, dated August 6, 1991. Mr. Clark indicates that he has submitted all the materials which were requesting including "engineering plans."

EM does not feel they were engineering plans. He does not think they were stamped by an engineer. He asks Clerk to check the drawings.

AM states that the Board's letter was very specific. She asks Clerk to send another letter to Mr. Clark stating that the Board requests his presence for the purpose of discussing the amendment to his site plan. The Board needs his engineer to be present during the discussion to further explain the intent of the amendment. The Board does not feel that the drawings presented were engineering plans.

Members sign P. Herr's contract and invoice for Post Office Box.

EN makes a motion to adjourn the meeting at 12:15 a.m. EM seconds motion. Vote of 4 (AM, EM, EN and GG). JM not present.

Anne M. Morse

Anne M. Morse, Chairman

John P. Murray

John P. Murray, Vice Chairman

Emile W. Niedzwiedz

Emile W. Niedzwiedz

Glenn E. Gerrior

Glenn E. Gerrior

Edward T. Moore

Edward T. Moore