

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

**EDWARD T. MOORE, CHAIRMAN**  
**EMILE W. NIEDZWIADK, VICE CHAIRMAN**  
**ANNE M. MORSE**  
**ROLAND R. LAPRADE**  
**PAUL CHUPA**

**MINUTES OF REGULAR MEETING**

**OCTOBER 27, 1994**

Meeting was called to order at 7:40 p.m. All members were present. EN joined the meeting at 7:55 p.m. Alternate Member William Wozniak as well as the Board's consultant, Philip B. Herr, were also in attendance.

**GENERAL DISCUSSION**  
**SIGN INVOICE AND VOUCHER**

Members sign Clerk's pay voucher and invoice for stamps and P. Herr's quarterly consultant fee.

EM explains that the discussion with John Emidy, Building Inspector, relative to the Developmental Plan Review process, will be rescheduled to a meeting in December. Board's consultant, P. Herr will be late tonight so the meeting will be rescheduled. EM discussed the DPR process with J. Emidy who feels that there are loopholes. The Pumpkin Seed is a brand new house with a store underneath for which there was no DPR. He does not know why. He noticed that there was an ad in today's newspaper advertising for a variance for the structure.

P. Herr joins the meeting at 7:50 p.m. He explains that Stallbrook is coming in tonight as a courtesy. The biggest change is increasing the area of what was Almacs. It does not require a DPR.

EM explains that the Fire Chief wanted to know if Caryville Crossing which was approved through the ZBA has to come here for a site plan.

P. Herr would need to see the decision of the ZBA.

EN joins the meeting at 7:55 p.m.

**SHOPPES AT CITY LIGHTS**  
**REQUEST FOR EXTENSION OF SPECIAL PERMIT**

Dick Marks, Esquire from Gouldston & Storrs, is representing Bob Frazier, WS Development, joint venturers with Stallbrook Center. He explains that the Planning Board approved Shoppes in 1990 when it was owned by Howard Fafard. The bank took over the property in July. Three extensions have been granted since the Board's initial approval. The third extension will expire on November 29, 1994. Last July 1994, Mr. Fafard gave the property back to the Bank of Boston. His client entered into an agreement in August 1994 to purchase the property. They are here to introduce themselves to the Board and request another one year extension.

Bob Frazier provides brochures to Board members. His organization SR Weiner & Associates is a retail shopping center developer in New England. They were a joint venture partner with Ted Tye for Stallbrook Center. They recently received legal control of the property. They are currently trying to gather information and have rights to the property. They intend to look at the title survey and wetland boundaries to possibly modify and market the property. SR Weiner develops, manages, redevelops and acquires properties. They currently manage Pheasant Lane Mall, the Maine Mall and Meadowland. They have 400 million square feet of property in New England in all different stages. They look forward to working with the Board in the future.

RL asks if they are aware of the industrial park which is being planned for the whole area.

EM explains that the town just had a study done.

RL asks D. Fraine, who is in the audience, if he can get Mr. Frazier a copy of the study plan.

EM reads letter from Richard Marks, Esquire, dated October 25, 1994 introducing their client and providing a history of the Shoppes at City Lights approval and extensions. He further explains that following his bankruptcy, Mr. Fafard deeded the property to Boca 201 Corp., a subsidiary of the Bank of Boston. This deed was recorded with the Norfolk County Registry of Deeds on July 22, 1994. On August 12, 1994, W/S entered into an agreement with Boca 201 Corp. to acquire this property. They request a further extension of the special permit. This project has been delayed by a number of events beyond the control of his client or the present landowner, including Mr. Fafard's bankruptcy and the time period required for the Bank of Boston to acquire the property.

RL makes a motion to extend the special permit for Shoppes for one year to November 29, 1995. AM seconds motion. Unanimous vote of

5 (EM, EN, AM, RL and PC).

Clerk will prepare the extension and mail to Attorney Marks for recording at the Registry of Deeds.

**CHESTNUT HILL CONDOMINIUM**  
**CONTINUED PUBLIC HEARING FOR SPECIAL PERMIT**

EM reopens the public hearing and explains that they will wait until 8:30 p.m. to give abutters an opportunity to show up.

RL makes a motion to continue this public hearing to 8:30 p.m. tonight. PC seconds. Vote of 4 (EM, EN, RL and PC). AM abstains.

**STALLBROOK CENTER**  
**DISCUSSION RE: CHANGES TO ALMACS BUILDING**

Ted Tye, National Development of New England, developers of Stallbrook Marketplace, is here to provide the Board with an update. The WalMart store is one of the strongest in New England. The other side of the center has suffered without a supermarket. They have focused on bringing in the right tenant to build and develop the remainder of the area. They plan to bring a new supermarket in. A lease will be signed next week and the operator will be moving in quickly. They intend to expand the size of the existing store. The 46,000 square foot supermarket store as it exists will be expanded to 63,542 square feet. He would like to retrace the history of the development for the Board. The special permit was issued to allow them to build 260,000 square feet. When the permit was given, they knew they would build in pieces and make modifications to the original plans. They have not built the entire center yet. They are expanding the existing footprint. He presents a plan and points out the existing outline of the supermarket. Their proposal is to push out the store on 3 sides. It will necessitate pushing out the sidewalk two feet into the existing parking area. There will be a loading dock location at the end of the building to turn in and back out. In order to maintain the 25' lane, the area of the pavement will be extended. They could do it with less than that if they had only one way traffic. When the project was built, they were well in excess of the number of parking spaces required by the Zoning Bylaw. There are a couple of required egresses here with walk in driveways which will not be backing up and utilities to be relocated around the footprint.

AM asks what happened with the lights which were supposed to be put outside the center.

D. Fraine explains that construction has begun. They had a pre-construction meeting last week and started the site work. The

lights will be in by the spring.

P. Herr did go over the set of drawings. There is no question about compliance. The amount of floor space to be added is less than 10%. Although site plan review is not required, he did suggest that they come in to explain the changes to the Board. He does not know if the Conservation Commission will have anything to say about these changes.

T. Tye will call them to meet on site to discuss the edge buffer zone.

P. Herr asks about the dotted line at WalMart.

T. Tye explains that if everything is built it would be more than 260,000 square feet.

P. Herr notes they would either have to make it smaller or will have to come back for a revision to the special permit. It is nice to know when people ask that they are increasing less than 10% of whatever is there. The Board provided the special permit for 260,000. They approved the specific site plan after in a separate action. This is so close it does not trigger DPR.

T. Tye agrees that if he intends to go over the 260,000 square feet, he is required to come back to the Board.

EM asks if they have any control over the flood lights at McDonald's.

T. Tye did not know about the lights until he talked with D. Fraine last week. McDonald's is on land which is on lease to them. The Building Inspector cited McDonald's but they never received notification. McDonald's has assured him they will do anything to satisfy the Building Inspector.

P. Herr explains that the issue is glare. This is a vivid illustration of what lights is all about. Stallbrook has more lights but complies. McDonald's did their own thing.

T. Tye thinks it is a good idea to put the type of lighting required right in the site plan.

P. Herr notes that the Board did that. They departed from it.

CHESTNUT HILL CONDOMINIUM SPECIAL PERMIT  
CONTINUED PUBLIC HEARING

AM removes herself from the public hearing.

EM opens the public hearing and explains that at the last meeting the Board was waiting to hear from Amory Engineers. He asks if there has been anything new relative to that.

D. Fraine knows that Amory has been in contact with the developer's engineer.

EM explains the procedure of the hearing whereby the applicant makes his presentation following with questions from the Board and then questions from the audience. Audience will raise hands and state name and address prior to asking a question.

B. Lord, Esquire, attorney for applicant, states that he reviewed materials which were submitted originally in 1987 relative to the municipal impact and environmental impact and went through the records of the hearings which were held for the special permit. He presents a Municipal Impact Study Changes document to Board members and the Board's consultant. The original proposal issued in 1987 for the same configuration of 30 two bedroom units was changed to 26 two bedroom with 6 handicapped accessible and one fully handicapped and 4 one bedroom units. 20% of the units would be handicapped with 30% designed for a special market. This met a special need. At the time, Mr. Herr referred to it as a new design trend for the town. This development is still responding to a special market for a certain group of people, specifically they are going towards the elderly market. The handicap aspect is unique to this development. The standards established in 1987 with reasons for approving this development remain. The fiscal impact numbers are unchanged. He refers to Addendum A of the handout which shows projected revenues for 1987 at \$36,537 and projected revenues for 1994 at \$20,865 with the reduced cost factor of the units. The main variable is the cost of the units. They had a sketch built relative to what could be built on the site for a residential subdivision. A 9 lot subdivision uses the entire property and does not leave a lot of open space which is not attractive given the size of the lots. That does not translate well into revenue. After the January 1995 real estate re-evaluation, the tax rate will be fairly close to what it was in 1987 at \$16.54. The condo price which was originally estimated at \$115,000 to \$120,000 price range will be reduced. A single family house price of \$175,000 is still reasonable given the project next door. A single family development would be loss cost for the children. The fiscal impacts to the town including real estate taxes, and excise are positive for the condo development and negative for the single family development. In 1987 duplexes were proposed. They could

have had 4 duplexes based on property size but it was not viable and therefore was not a viable alternative. The range of housing in 1987 showed a need for single story, single bedroom units reserved for the handicapped which is even stronger now. Nothing since has met the need for housing with handicapped access. This provides a significant change from what is presently available. People who are going into condos are either single or married without children. This will broaden the choice. No one has met this handicapped or elderly market in this town. There is nothing here for the elderly person who does not want to go into public housing. A significant number of houses are purchased by Bellingham residents. He expects the development to be occupied by Bellingham people. More people impact the Bellingham commercial market since there will be more people to spend money which will also impact jobs. Every reason for approving this in 1987 still remains the same. This development is located 360' left on Bucky Drive. Chestnut Street remains unchanged. There are no curves to change the site distance. The traffic flow to S. Main Street is the same as what occurred at the time this was approved in 1987. There were a number of other factors which were included in the traffic study at the time this was approved including a 250 condo unit complex called Meadowwood behind Schaeffer's. The permit has run out and that proposal has not been constructed. The plaza which was also included has not been constructed. The traffic which was anticipated in 1987 has not occurred. The traffic outlet is better now than in 1987. Pheasant Hill which was under construction in 1987 was also projected into the traffic studies. As in 1987, the impact that this project would have to traffic safety is tolerable although it is larger than a single family development. Water impact will be the same. It has a larger impact than a single family development but is not a major problem. A water well was built in S. Bellingham and a second well is being projected for High Street. The filtration plant in N. Bellingham has provided a steadier stream of water. He worked on the school enrollment impact with Janice Hannert from Fafard. They contacted two major condo developments in town. Addendum C of the handout documents the results. Maplewood has 170 units with two different parts. Bellwood also has a significant number of units. Out of their 64 units, there are 19 children with 7 school age. Brook Estates has 8 units with no children. Maplebrook has 97 units with 23 children and 8 school age children. This is fairly consistent for all the condos. They talked with the School Dept. to obtain the numbers. Maplebrook Commons has 23 units with 3 children, none of which attend Bellingham schools. This does not mean that all children attend Bellingham Schools.

EM notes that in a lot of cases there are new families with kids who are not old enough to go to school.

B. Lord explains that they have found that people move out when

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

their kids get to school age because there is no place to play.

EM notes that the children at Maplebrook play in the street.

B. Lord points out that the current enrollment is 2307 with 23 students per class. This development would add 6 children based on the number of children in the other condos which is not a major impact. The cost per student is \$2,500. This condo complex will have a minor impact. Single family houses add 1.5 children per unit. With 9 units that would add 13 children which would be a negative fiscal impact on the town. With a single family development, the destruction of the trees would be significant and there would be destruction of the natural vegetation. The visual impact of the condo development is significantly better than with single family. The ability to maintain the vegetation is better with a condo than with a single family development. The impact that the condos will have on the neighborhood will be better. The original special permit established build out rates of so many condos per year. They would like to complete the project as a whole rather than trying to phase it out. They would like to get the cellar holes covered. This is the one change that they would ask for - that the phase out not be included. The quicker they get the project done the better it will be for everybody. He would like to leave the drainage discussion until later.

RL asks which unit with a cellar hole is he referring to?

B. Lord responds that they currently have two constructed buildings and two other cellar holes, one of which has a frame.

RL notes that the one he is referring to is not really framed. The one above is completely framed.

B. Wozniak believes that it is a hazard where the hole is. They are clearly intending to finish off where the full basement is. They are in violation of the original plan. He asks if they plan to build according to the original plan.

B. Lord responds that if it is in violation now, it will be changed. There are 3 buildings presently constructed. They are fully in favor of building them.

RL walked the basin area. It is wetlands. He asks about the Conservation Commission.

B. Lord responds that they have not looked at the plan. He will discuss it with them.

EM asks if the single family plan is the original plan.

B. Lord responds that he could not find the original. This is one that they just had drawn up.

EM asks if a single family development would need a retention area.

B. Wozniak thinks that they would only get in 8 rather than 9 single family homes because one lot is long without the proper sizes.

B. Lord agrees that the numbers are more significant for 8 houses. During the original hearing process, P. Herr saw no reason for approval for single family houses. They are providing a unique situation here to less the overall impact.

EM points out that everyone believed that the original retention would work.

B. Lord believes that the basis on which the Board made their determination is a great now as it was in 1987. They agreed to work with Amory Engineers for the town. There is nothing about this situation which cannot be met. One concern is taking water and putting it into the wetlands. The whole area drains into Lake Hiawatha. There is a discussion whether or not the way it will work will eliminate the detention pond entirely. They would like to take Amory's suggestions and see if they are feasible but it would require that they put forward a significant investment. They would like to be able to look at the variations on the proposals. To invest without the special permit would not be feasible because they cannot build until the drainage works anyway. They have to resolve all the drainage issues with the Developmental Plan Review. They propose that the Board allow them to look at the different drainage variations which were suggested by Amory. They will pay the expense of keeping Amory on the project for the town. They may be able to eliminate the basin entirely by taking the water and putting it into another area. This will require dealing with the landowners involved. They would like to be able to explore this opportunity. Postponing the decision relative to the drainage allows them to be able to look at it in a different fashion. It does not take away the Board's authority because Developmental Plan Review is required. They are going forward at their own risk.

EM thinks that they are asking for a lot. They are asking the Board to approve it now knowing that it will not work.

B. Lord notes that this is a two step process like before. The first time the configuration changed. The difference between this time and the last time is that there was no review. The difference here is that they have someone to review the plan for the town. They would like time to explore the other drainage options further.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

EM states that Clerk has spoken with the Conservation Commission. He reads from the minutes of the September 22, 1994 meeting wherein Clerk relayed a telephone conversation with Cliff Matthews, Conservation Commission Chairman. He states that the Boards should work together on this development. A similar presentation should be brought before them at the same time that the Planning Board is hearing the matter to avoid both Boards placing contradictory conditions on the development.

B. Lord believes that Mr. Matthews may be right with some of that. However, the Planning Board requires that distribution be made to them at the Developmental Plan Review stage. The plan right now is a concept plan as before.

EN states that the difference is that with most concept plans there is no construction. Production is going on right now. He is not opposed to the development per se. But it is irregular to have carpenters and plumbers working when they do not have an approval.

B. Lord responds that they are fixing the buildings that are there.

EN does not think that they are fixing them; they are restoring them. They are doing everything in reverse. This is an irregular way of doing it.

B. Lord states that they believe they can make the project work.

EN notes that they cannot go any deeper with the drainage pond because they hit water.

B. Lord indicates that is what he heard. They agree to satisfy the town's consultant that it will work. They will not be building a new building. They are not rebuilding buildings. They are working with the two buildings which are there.

EN understands that there were people vandalizing the property and walking away with sinks.

B. Lord states that is why they want someone there.

RL does not see any difference between getting approval now or later.

B. Lord explains that it has to do with the ability of the developer to spend money on the project. It gives him the leeway to deal with the drainage situation.

EN thinks they are putting everything before the horse.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

Frank Gallagher, engineer, explains that they must change the method to handle the drainage because the original method does not work. They know that the retention will not work. They have to redo the detention basin. Amory reviewed the drainage and forwarded a letter with 9 comments relative to the drainage calculations. They are asking for elaborate calculations and a thorough analysis which is done at the site plan review stage. Amory has asked them to look at what goes on beyond the special permit process.

RL indicates that the Board wanted Amory Engineer's verification on what will happen beyond the site.

EM reviewed Amory's letter and believes that they could not make a determination because they need more information.

B. Lord states that they are looking for more calculations which are provided at the Developmental Plan Review stage. That is where that information is provided for almost every development which they have in town.

Fred DaPrato, developer and applicant, explains that the reason for doing the work now is because he is on notice with his insurer.

EM asks if the Board could hear the Developmental Plan and the special permit at the same time.

P. Herr indicates that they can do that but it does not solve the problem.

EM states that the applicant cannot put pressure on the Board for something when he knew what he bought at the time.

B. Lord explains that in almost every other instance the Board has accepted the concept plan at this stage. They now want to see a presentation which would justify the total engineering for the project. There are different avenues they could go which would have a significant fiscal impact on this project. They would like to take the time to do that.

EN believes that once the buildings are secure, they should let Amory come to the conclusions that they were hired for.

B. Lord points out that the Board is asking them to do something which they have not required of any other developer. They are willing to retain the engineering firm at their expense for the town and they are willing to provide the calculations.

EM believes that Developmental Plan Review grants no leverage to the Board to protect the neighbors. The Board can put conditions in during the special permit process. Maybe they should be doing

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

them at the same time.

B. Lord refers to the Developmental Plan for Jaco.

EN points out that there was nothing there. There was a difference between the two developments.

EM notes that Jaco's changes affected them and no one else. The problems with this development effect a lot of people around them.

B. Lord again states that they cannot get past the Developmental Plan Review unless the drainage works.

P. Herr indicates that the difference between this and any other development is that they do not know how the storm drainage will be handled. They do not know if they will have detention or detention off site. Some innovative details relative to land use have been provided but he understands the problem. The Board cannot think about how other developments were handled. The issue which Chairman Moore raised is correct. At Developmental Plan Review, the Board will either approve or not. There are no conditions placed. The Board could be in an awkward situation if the developer decides to modify the parking area.

F. Gallagher points out that a possible result is that the basin may be bigger than it is now. They agree that any of Amory's comments will be addressed to their satisfaction. The basin may have to be larger in the area but it should not be deeper.

RL would like to see the Conservation Commission look at this.

EM notes that the Conservation Commission did ask to review it at the same time as the Board.

B. Lord states that they clearly will have input at the Developmental Plan Review stage. They will have a significant role at that stage. The Conservation Commission is not on the distribution list for a special permit. This is an expensive proposition in order to do the engineering right. They are willing to accept reasonable controls.

EN wants them to say it works before the Board issues the special permit.

RL would like to do the special permit and the Developmental Plan Review at the same time. He would also like to get the Conservation Commission to look at it.

B. Lord would like an indication from the Board relative to the numbers of units from 1987.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

P. Herr believes that Mr. Lord is looking for a sense from the Board as to whether or not the 26 units are acceptable.

B. Lord notes that it is 30 units total. 26 two bedroom and 4 one bedroom.

P. Herr does not think that is an unreasonable suggestion.

B. Lord believes that they can solve the drainage but they do not want to put the money up front.

Ray Howard, 19 Chestnut Street, refers to the single family subdivision plan which was presented tonight. It shows 9 lots but they cannot put houses on a number of them. They would probably end up with 4 lots. The area cannot support 9 houses. Nine houses with 4 bedrooms is comparable to 18 two bedroom units. They cannot support what is already there but they are talking about putting more in. It is hard to believe the town can support this sanitary system. He has worked in surveying and engineering for 6 years and is trained as a mechanical engineer. There is no town sewer or acres of land to plan with and there is no subsoil or topsoil.

B. Lord points out that all the units have been perced. They were previously approved by the Town of Bellingham and have all been reperced.

P. Herr notes that once the new Title V rules click in, they will have to look at it to see if it satisfies that criteria unless it is grandfathered.

F. DaPrato, owner and developer indicates that the entire property was perced 3 - 4 months ago. They perced some areas which were done before.

B. Lord states that they were reperced this summer.

Ray Howard asks about the results of the perc tests.

PC responds that he can obtain them from the Board of Health.

R. Howard notes that there is no suboil or topsoil. The areas are exposed constantly. He submits photographs of the property which depict well established wetlands.

EM believes that Mr. Howard is asking how the septic can soak in when this does not soak in.

B. Lord states that a single family development would be more destructive.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

Gary Lameroux, 23 Chestnut Street, believes that a single family development would bring up his property value. A \$165,000 home would be more beneficial. People rather see homes instead of a mosquito pond.

B. Lord indicates that the reality is that they would go broke if they had to take out what is there and put in single family homes. They really do not have that option.

EM does not expect them to do that but they do not want to see any more than what is already there. There are 18 units built. Maybe 12 more is not the answer. They do not know that 18 will not work better.

B. Lord asks if the Board would commit to 30 units on the site if they do the Developmental Plan and the Special Permit at the same time. They do not have a problem with doing it together. The problem is putting the money out first.

RL suggests that they go with 18 now and do the special permit now.

B. Lord believes that the Board is penalizing the developer because he bought something with buildings on it.

John Ruggerio, 7 Partridge Trail, sees 12 units there now.

EM indicates that presently there are 18 built (buildings or foundations).

B. Lord believes that they are penalizing a builder who wants to do a decent project.

EM is not looking to penalize anyone.

Thomas Crane, 27 Chestnut Street, notes that the area is zoned 20 acres for townhouse building. He asks if the Board has taken into consideration the number of units requested on a 10 acre parcel.

B. Lord points out that this is not a multifamily zoning area.

T. Crane read the chart in the Building Inspector's office. There must be a reason why the town made the zoning requirement. It would be easier to make the site work with more land instead of packing in more units.

EM advises that it is not zoned for multifamily.

F. Gallagher, Engineer, notes that it is zoned suburban/residential.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

T. Crane points out that if a family moved in with 6 kids it would throw the whole logic off. They say things have not changed since 1987. He bought his property in May 1986 and moved in in August 1986 right behind this development. The meeting was held in March 1987 and he never received notification. The town sent the registered letter to the people who used to live in his house. This is his first opportunity to talk about this. The people who owned Pheasant Hill were not there at the time. He was the only person qualified as an abutter to come in and talk about this and he did not received notification. He is not sure that 30 units are a good idea. He cannot say that nothing has changed from 1987 to now.

EN notes that the projection for school children has held true.

P. Herr understands that the neighbors were not there at the time and were not considered.

EM explains that this development took almost one year to get approved. There were a lot of people here - people below Pheasant Hill who were afraid of getting flooded out.

T. Crane believes that traffic has increased.

EM agrees that traffic has increased everywhere. Alot is not the same.

T. Crane thinks that any traffic analysis done in 1987 is not the same as today.

B. Lord explains that the subdivision development next door and other potential areas were factored in at the time of the original proposal.

PC does not think they can do much development there because of the concern about the water.

T. Crane indicates that maybe they do not need 30 units.

B. Lord understands that the drainage questions have to be solved. They will have greater assurance that the numbers work by having someone look at it for the town. They are trying to make a concept that the Board thought was good work.

EM states that maybe the 18 units that are there will work. He asks if it is worth the time and money to go for 12 more.

B. Lord indicates that there has been no variation from the justification of the numbers. The only variation is that a retention was designed when it would not work. They agree that

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

this requires a detention pond. The town has put the safeguards in place. If the Board will give a commitment for the numbers, they will provide a Developmental Plan at the same time as the special permit. The problem is that it requires an investment up front.

Marie Ruggerio, 7 Partridge Trail asks who they see to get the problem corrected if the new plan does not work.

EM responds that they would have to initiate a civil suit against the developer.

M. Ruggerio asks if the developer is willing to put up money in escrow if he is so sure that the drainage will work.

B. Lord responds that they will put up a bond with the town before construction.

M. Ruggerio asks who they will go to if there is a problem next spring.

EM explains that the only thing that is bonded is the first 100 feet of the road.

M. Ruggerio asks why the town fixed a problem on Partridge Trail.

EM responds that it is a town accepted road.

J. Ruggerio notes that the problem occurred because Celtic flooded out.

PC refers to Green Acres where anyone can get flooded out at any time.

B. Lord is willing to compromise at 24 units and they would like to build 1 of 2 at their option. The Water Dept. does not want them to build the one with a footing since it is too close to the pipe. They are willing to reduce the units by 6.

F. Gallagher explains that it slopes now. The way they are developing it, it will not have a slope to the properties. The roof will be discharged back toward the pavement. The front will also be caught in the drainage and will not go to Pheasant Hill. The northern building is the only one which will slope toward Pheasant Hill. The others will sheet southerly when it is developed and graded.

EM asks if it will go into the drainage to the retention out back.

F. Gallagher responds in the affirmative. There is no control now.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

B. Lord points out that building a retention basin is not enough. If the Board is willing to make a commitment to allowing them to build 24 units instead of 30, they will bring in the submittals simultaneously.

EM indicates that the Board cannot give up the special permit.

EN would like to obtain the report from Amory Engineers at the same time. The Board could guarantee that they could build 24 if everything works. He asks what will happen if they cannot get the easements to pipe it out.

B. Lord responds that they cannot do the project if they cannot get the easements.

RL thinks that is a good compromise.

PC would like to hear P. Herr's opinion.

P. Herr agrees that there can be no special permit decision tonight. Agreeing to 24 units is o'kay with the configuration.

EM would like to see a united front for review with Developmental Plan Review, Special Permit and Conservation Commission all reviewing at the same time. The Board agrees to allow a little leeway for positioning. If they wanted to reduce the number to 18, the Board could vote on the special permit tonight.

B. Lord agrees to the Developmental Plan Review, Special Permit and Conservation Commission simultaneous submittals. He asks the Board to commit to a vote that 24 is the proper number.

RL makes a motion that it is the mood of the Board to proceed with the special permit for 24 units with site plan review simultaneously allowing 24 units as the target with the Conservation Commission and Amory Engineers being part of the site plan review process. PC seconds. Vote of 4 (EM, EN, RL and PC). AM abstained from sitting on the hearing.

B. Lord refers to the mechanics of the developmental plan as part of this. It will trigger the distribution of the plans to get into other areas of town government.

EM explains that the Developmental Plan Review will be advertised in the newspaper one week prior to the meeting but abutters will not be notified by mail. A sign is also posted on the premises.

B. Lord asks the Board to continue the special permit to the December 1994 meeting.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**OCTOBER 27, 1994**

EN makes a motion to continued the special permit for Chestnut Hill Condominium to December 15, 1943 at 8:30 p.m. RL seconds motion.

**MINUTES ACCEPTANCE**

RL makes a motion to accept the minues of September 8, 1994. PC seconds. Vote of 3 (EM, RL and PC). EN absent from that meeting. AM not present at vote.

EN makes a motion to accept the minutes of October 13, 1994. PC seconds. Vote of 3.

**JACO DEVELOPMENTAL PLAN**

P. Herr explains that Jaco submitted a revised plan which he reviewed. The Board approved the developmental plan subject to submission of the drainage calculations. What was proposed did not work so they changed it. No action is required on the Board's part. They added a second catch basin.

EM asks if it will look different.

P. Herr responds that it will not but this system will work.

RL refers to the Lincoln Institute seminar which he attended. He found it very informative and he learned a lot. They gave him a book about the job of the planning commissioner. There are a lot of things for them to look at in the future. He agrees to attend the November 5, 1994 seminar.

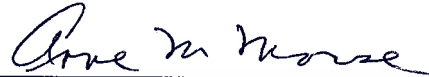
PC makes a motion to adjourn at 10:40 p.m. RL seconds. Vote of 4 (EM, EN, RL and PC).



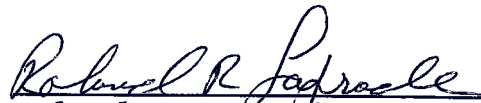
Edward T. Moore, Chairman



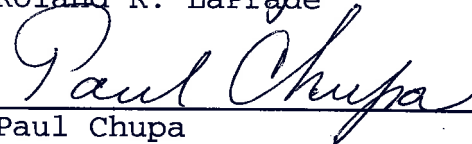
Emile W. Niedzwiedek, V. Chair



Anne M. Morse



Roland R. LaPrade



Paul Chupa