

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

WILLIAM M. WOZNIAK, CHAIRMAN

PAUL CHUPA

EDWARD T. MOORE

ANNE M. MORSE

RICHARD V. DILL

MINUTES OF REGULAR MEETING

FEBRUARY 26, 1998

Meeting commenced at 7:05 p.m. All members except EM were present. Planning Board Consultant Philip B. Herr was also in attendance. Minutes recorded by Planning Coordinator Valerie DeAngelis.

MASTER PLAN PRESENTATION

Master Plan Steering Committee Chairman Guy Fleurette and some members of the committee are here to present the finalized version of the Master Plan for Planning Board review prior to adoption. He introduces Roland LaPrade who was the primary force behind the effort and establishing the Steering Committee. Other members present include Selectman Chairman Gerry Mayhew, Roland Lavalee, Tom Berkholder who chaired the Residential Strategies Subcommittee to look at zoning issues, Donald DiMartino, liaison member who was consistently present, Joyce Godbot, member at large who served on two subcommittees and Bruce Lord, also member at large. The first 14 months of their work went to putting together the draft which was completed in September. It was published at large in newspapers and discussed at a public forum in November 1997. There have been some questions relative to implementation of the plan. The committee has spent the last 3 months looking for an answer to that question relative to commitments for all the primary boards involved. They recommend development of a policy coordinating group to consist of 3 or 4 primary boards. They propose the group act as a coordinating group to implement the Master Plan. The coordination efforts will occur to meet 3 or 4 times a year. This should enable the town to go forward. Gerry Mayhew commends G. Fleurette who chaired the committee since they were able to go forward under his leadership. He also mentions the very qualified effort of P. Herr and thanks G. Fleurette for his efforts. G. Fleurette credits P. Herr and Sara James who were the consultants and technical experts with putting together the document draft and final version which was very well put together since it was written in plain English.

G. Fleurette notes that in January 1998, the Planning Board asked the Steering Committee if they would stay together to see the plan adopted. They have agreed to stay together through June 30, 1998 which is the end of the fiscal year. They will attend discussions which the Board has

relative to various aspects of the Master Plan. PC suggests it would be wise to schedule the discussion for nights when P. Herr is here so he can answer any questions. AM thanks the committee members and appreciates the time and energy they put forth since this was a time consuming effort. She realizes it takes a lot of loyalty to the town to do this. G. Fleurette comments that 70 people participated in the actual study but the core membership was 18. There were subcommittees with other members. Most of the members served on at least 2 subcommittees. The Master Plan is the product of the entire group. PC thinks it is great to see so many people interested in the town.

G. Fleurette advises they sponsored 7 articles at the last Annual Town Meeting in May of 1997. 6 of the 7 articles were implemented. That stretched their work by 2 1/2 to 3 months since they had to hold hearings to fine tune the articles themselves. We may find there is a need to revisit the Master Plan probably in under 10 years. WW thanks the committee for all their hard work. He will contact them to coordinate appointments for further discussions.

HERITAGE PINES DEFINITIVE SUBDIVISION PLAN ENDORSEMENT

Attorney Bruce Lord on behalf of applicant Howard Wilson presents the plan along with copies of the easements with abutters James Courtney and Kenneth Bogan, for sewer extension with Ralph Moore, sewer extension with Archdiocese of Boston and Form F Covenant, signed by applicants. The delay with signing the plan was because part of the land was Land Courted. The plan is essentially the same. P. Herr received a copy of the plan last Tuesday. One comment added was a note relative to the Covenant. They will sign the final deeds relative to the sewer easements tomorrow. This is the standard covenant relative to the property signed by the owners. There is an Order of Conditions for the record and there is a restricted covenant on it. AM wants to confirm that only single family homes will be built. B. Lord reads a note on the plan that only single family homes will be built. P. Herr hasn't look at the covenants but one minor point which he brought up has been taken care of. WW asks about the agreements with the neighbors. B. Lord responds that is all taken care of and copies provided to the Board. AM moves to sign the Heritage Pines Definitive Subdivision, seconded by PC. B. Lord asks that the Board sign the mylar and then he will have copies made for the Board and distribution. Kenneth Bogan asks if what the Board is signing has all been discussed in the past. WW confirms that everything has been done between P. Herr and the engineer and has already been discussed. P. Herr reviews the covenant and comments it is fine. V. DeAngelis advises Board the independent engineering bill has been paid. Vote of 4 (WW, PC, AM and RD). EM absent. Board members will sign the plan later this evening and B. Lord will pick up in the morning.

81-P SUBMISSION

AM abstains and removes herself from the discussion since she sold Mr. Ambler the lot.

Scott Ambler, Esquire, presents an 81-P for 19 Fox Run Road for a parcel which he has purchased from his neighbor and added to his lot. It leaves his neighbor with a lot which confirms to zoning. It is suburban zoned with 40,000 square feet required. P. Herr reviews the

plan and declares it is fine. PC moves to approve the 81-P for 19 Fox Run Road, seconded by RD, carried with a vote of 3 (WW, PC and RD). AM abstains and EM absent.

DISCUSSION WITH PHILIP MACCHI, ESQUIRE RE: RONCA PROPOSAL FOR TARGETED HOUSING, MAPLE STREET

AM rejoins the meeting.

Philip Macchi, Esquire introduces Robert Truax, GLM Engineering and Bill Ronca. They are here to discuss a proposed targeted housing. They asked that the meeting be scheduled when P. Herr was here. They met with P. Herr and Tom Berkholder. They originally met with the Affordable Housing Committee to explore a comprehensive permit for 48 lots off Maple Street. Mr. Ronca did Caryville Crossing off Hartford Ave. AM asks where on Maple Street they are proposing to put the development. Mr. Ronca replies it is at the Franklin line. The town took an easement from the person he is buying the property from. You get to the property from S. Maple St. Mr. Macchi presents an application for a comprehensive permit. As a result of discussions, they decided to look at alternatives. Targeted housing looks like the alternative. They did consult with T. Berkholder and P. Herr who was the author of the Targeted Housing Bylaw. He called Lee Ambler and asked him if the town had any experience with this Bylaw. He was told they may be the first to file under this criteria. The permit comes from the Planning Board. The locus is 25 acres zoned agricultural. There is another condo project not too far away. They are proposing a 20 lot cluster on the 25 acres with open space on 10 acres. There will be one open space acre for every two acres with the 7.9 acres around the pond being the focal point. They could do 48 units with the comprehensive instead of a cluster with 20 units. With targeting the Planning Board maintains 100% control. With the Comprehensive, it is really controlled by a state agency. There is a direct benefit. They would rather work with the town. The majority of the homes abut open space. The density is more than 1 acre per house lot. The whole purpose is to have a certain percentage of low to moderate income homes. Five people will get a nice home in a nice neighborhood. They will work with the Affordable Housing Committee as to how they are allocated. AM asks what the difference is between this and what Mr. Ronca did at Caryville to which Mr. Macchi replies the Planning Board control this, not the state.

P. Herr notes that 25% of the units will be affordable, the same as with a Comprehensive Permit. Local Zoning and Subdivision Regulations apply but the density is allowed to be higher. AM asks if the town turns this down, can they go the Comprehensive route? P. Macchi replies that is substantially correct but their real preference for less density is to go through the targeting process. With the targeting, the homes will be a more expensive caliber with better tax assessments. AM asks if this will be more attractive than the last development (Caryville)? Mr. Ronca presents photographs of the type of homes he intends to build - homes he has built in Medway in the last 6 months. PC asks the price range of the homes. Mr. Ronca replies he will market the units at the \$220,000 to \$239,000 price range. The five affordable units will be \$94,500 which is the state requirement. WW asks where Mr. Ronca benefits from this to which Mr. Ronca replies he is getting 5 more lots but it is a wash because they are affordable. He is picking up additional lots. Mr. Macchi identifies two benefits. They will pick up a few houses.

Because of the configuration of the land, they will have access point frontage. They have over 14,000 square feet of replication. The threshold is 5,000 square feet. Anything over that becomes a limited project. The other side is Town of Bellingham property. Their options are they could ask for a conventional subdivision for 12 lots or they could circumvent all town regulations and go with a Comprehensive Permit or they could do targeted housing. They propose the entrance go in one way and out the other. There is another subdivision off Hartford Avenue with a similar entrance. The community will benefit with upscale housing. They are asking to go forward with working with the town, the Board and P. Herr. WW realizes they could get 12 lots the conventional way. They are coming here with 20 lots, 5 of which are affordable, so there is only a 3 lot benefit. Mr. Ronca points out that in the 1980s, the gentleman he is purchasing from came to the Planning Board with one cul de sac to a bubble with 10 - 12 houses and was denied due to conservation issues. In order to get the 20 lots, they have to prove a formula for 20 lots on a regular basis. P. Macchi identifies the old 1982 subdivision entitled Holly Acres Definitive Subdivision, petitioned by Mr. LaPoint, denied January 24, 1983 for a 10 lot cluster. The decision said the applicant did not satisfy Section 4300. The cluster was not recommended by the Conservation Commission.

Discussion relative to criteria for Affordable Housing and maintenance of homes. T. Berkholder does not think it is unusual for upscale homes to be affordable. It has been done in Westwood. Mr. Macchi explains there are people who can afford to maintain a larger home but can never save enough for a down payment.

WW would like to look into the old file to see why it was denied. P. Herr has 3 questions. Why Mr. Ronca wants to do this is his concern. Can the people who will buy the Affordable Houses afford them? If the principle, interest, taxes don't exceed 30% of their income then they can do it. The failure rate for affordable is the same as regular mortgages. Does the presence of affordable units devalue the remaining units? He asks if Silver Heights development has been devalued to which PC replies not really.

Robert Truax explains to the Board how targeted housing works. Under targeted housing, 80,000 square foot agricultural zoning can come in with a formula. They lay out the subdivision with conventional lots and show it meets the zoning for 40,000 square foot for the 20 lots. Their benefit is they get to build the project and offset 5 homes. They are building the road for 5 extra lots and they are not getting anything for those lots. In return, Mr. Ronca is getting 3 - 4 more lots. He may not be able to build the affordable houses for the \$95,000. He will be giving up the lot and giving up the road construction and it may cost him money to build the affordable houses. It will also happen sooner than the 48 lots with a Comprehensive Permit. Mr. Macchi indicates that since Mr. Ronca builds both the road and the houses, he is making a double profit. This only works with the road and home development.

AM asks if it will be sewer or septic to which Mr. Truax replies it will be septic. Mr. Ronca put in an application for sewer capacity for the 48 lots. He put a nonrefundable deposit down but there is no availability right now. There is all sand on the property. The ground perked at 2 minutes or less. It is less expensive to go with septic. PC thinks that by the time they build there

will be sewer down there. He would rather not see 48 units. T. Berkholder advises the Board the 25% is the amount suggested by the Comprehensive Permit. Bellingham is way down in Affordable Housing units. AM has no problem with the concept but is concerned about safety. She doesn't know about the site distance for that location. Mr. Ronca describes the site distance as substantial since it is flat and straight. He intends to put a barrier in between the road to have one way in and one way out. The town of Bellingham took a portion of the land to the left so accessibility to this property is limited. Mr. Macchi realizes the Board may ask for a traffic analysis and/or a hydrologic analysis. The state doesn't look at that. They want to keep open space with access so it is usable. They will try to upscale this rather than have a checkerboard with the 48 units. PC asks about the detention pond. Mr. Truax replies it is a natural pond on the property. Mr. Macchi explains they would like to make that pond the focal point of the whole open space. He asks if the Board likes the philosophy. WW and PC like it better than the other proposal. P. Herr suggests they check with the Conservation Commission. It makes a difference if they are interested in the land. Suggestion also to contact Police Safety Officer Sgt. Tim Buskirk to address the site distance issue. Mr. Ronca will send Sgt. Buskirk a plan to review. Mr. Macchi asks Board members if they like to idea conceptually to which AM and PC reply affirmatively.

TOWN COMMON ESTATES DEFINITIVE SUBDIVISION **CONTINUED PUBLIC HEARING**

AM abstains and removes herself from the hearing room.

Joseph Giovinazzo, engineer, states there was one major issue at the last meeting. The Conservation Commission thought they had a perennial stream. Since then they have filed a Notice of Intent. They have been issued an Order of Conditions, approval from the Conservation Commission. He sent the calculations to the town's consultant and met with him out in the field. He was able to revise the drainage calculations. The Board received a letter from the consultant which shows they satisfied the requirements. He met with D. DiMartino and discussed the cape cod berm. Mr. DiMartino wants the berm placed on top of the top. He received the recent letter which Mr. DiMartino sent to the Board with a couple of small comments relative to details which he is willing to provide. He agrees to meet all the requirements stated in the DPW letter.

V. DeAngelis reads February 25, 1998 letter from Donald DiMartino, DPW Director wherein he comments relative to General Roadway: all previously noted items have been acceptably addressed. Relative to water: The plan shows the C-900 water main. The plan does not indicate the requirement of ductile iron fittings that must be used at all changes in direction of the water main. The detail plan does include the notation of a tapping saddle for the service connections. It is however, not much of a detail. He would prefer a better indication that the saddle wraps around the pipe with a stainless steel strap. The new alignment of the water main is good in the roadway. However, the off road installation is the minimum requested. He would prefer to see the water pipe installed to the limit of the property as opposed to the minimum two pipe lengths from the pavement. He leaves the decision on the water main to the Board. He notes that in some towns, developers are required to loop the water mains. At some time we should consider

the same. Once the decision is made to require one to do so, all subsequent developers should be given the same requirement. All other water items have been acceptably addressed. No sewer is available. He leaves comments relative to drainage to the engineering consultant and the Conservation Commission.

WW thought they were looping the water. The DPW would like the water main to go all the way to the property. The applicant is in the process of making a new connection with a new subdivision with an easement at a location which has a significant impact on trees. RD asks if there is any reason the connection can't be down lower. J. Giovinazzo agrees his objective is to be 100% successful. PC comments that at least it would move the water around so it wouldn't be stagnant. The other loop is more difficult because of the existing homes. WW will leave the position of the loop up to D. DiMartino.

V. DeAngelis reads February 25, 1998 letter from David Oberlander, P.E., BDO Engineering, independent engineer who reviewed the drainage design for the Town Common Estates Definitive Subdivision. In his letter, Mr. Oberlander acknowledges the revisions made to the Town Commons Estates storm drainage system prepared by GCG Associates, Inc. The revised plans and calculations were delivered to his office on February 24, 1998. The designer has addressed his comments in a satisfactory manner. He further comments relative to Section 43, Stormwater Management 4321. The designer has specified ABS plastic drain pipe rather than concrete drain pipe. Though this conflicts with the Planning Board's regulations, it is apparently approved by the Bellingham DPW. He does not object to the use of ABS pipe provided sufficient bedding and cover are provided. The Designer has called for reinforced concrete pipe where the depth of cover is not sufficient. 4342: The bottom of the detention basin has raised 3.5 feet to allow 2 feet above the maximum groundwater table. 4346: The Designer has confirmed that 4" of loam and seed will be placed on the sideslopes of the extended detention pond. The detention basin maintenance schedule indicates loam and seed; however, the plans do not indicate to the contractor that loam and seed are required. The Designer will direct the contractor to loam and seed the sideslopes per Town requirements. 4347: The design plans now show a 4 foot fence with an 8 foot wide gate with lock and key. Per the Designer, maintenance will be by hand; therefore, vehicular access to the basin is not a concern. 4348: A maintenance schedule for the detention basin is included at the end of Appendix B of the Drainage Calculations. Maintenance will be performed by a homeowners association. No further comments are necessary relative to the drainage calculations. Forebay details for the detention basin inlet and outlet have been added to the plans. The detail shows a headwall; however, the headwall is missing from the plan view of the inlet to the detention basin. The detail does not show the width and depth of the forebay nor filter fabric under the riprap. The Designer has stated that he will be supervising construction and will insure that the forebays are installed correctly. Overall, he feels the Designer has done an excellent job in addressing their observations on the drainage design. They approve the drainage design as revised and as noted above.

P. Herr asks the reason the drawing does not show the width and depth of the forebay. Mr. Giovinazzo agrees there are minor changes to be made. He will add the loam and seeding. WW calls for questions from the audience to which no one responds. PC moves to close the public

hearing, seconded by RD, carried with a vote of 3 (WW, PC and RD). AM abstains and EM absent. Brief discussion relative to looping of the water. Mr. Giovinazzo agrees to try his best to gain the looping but it is on private property. P. Herr suggests the Planning Board could approve the Town Common Estates with the qualification that the issue of the looping be settled and the appropriate easement shown. PC moves to approve the Town Common Estates Definitive Subdivision provided that the looping is secured and easements shown on the plan, seconded by RD, carried with a vote of 3 (WW, PC and RD). AM abstains and EM absent. WW directs P. Herr to prepare a decision approving the Town Common Estates.

DISCUSSION WITH PETER LAVOIE, GUERRIERE & HALNON
RE: GIBBS GAS STATION ON HARTFORD AVENUE

AM rejoins the meeting.

Peter Lavoie, Guerriere & Halnon, introduces Andy Belan from Gibbs Oil Company. They are here to discuss an existing site on the south half of Hartford Avenue located in a B1 zoning district. The existing storage tanks will all be removed. They propose a 2100 square foot building, 1,000 square feet of which will be a joint venture for restaurant/retail sales. They propose 14 parking spaces including a handicapped parking space and employee parking area. There will also be a canopy overhead. They will have 4,000 to 10,000 storage tanks and are proposing 2 curb cuts. The existing sidewalk will remain. Mr. Belan confirms the secondary joint venture will house some type of food use.

P. Lavoie confirms they removed the access into the Crossroads development. P. Herr refers to the grading which deterred that access and the fact that people would attempt to use it for a short cut. He is not sure there would be a public benefit to that access. They do have the number of spaces which the Bylaw requires. AM notes the handicapped parking space was placed across the drive through and creates a hazardous situation for the handicapped person. P. Herr asks where the property line is. Mr. Lavoie responds the sidewalk is part of the street right of way. They are 14' from the right of way and the requirement is 20'. P. Herr advises that they need a variance. WW asks why they can't apply the variance in the back. In response to Board member questions relative to the use, Mr. Belan responds it could possibly be a Burger King or Honey Dew Donuts. Board members voice their concerns that would be a disaster with the traffic on Hartford Avenue and traffic flow within the site. WW can't see a drive through at that location. He asks if they must go before the Selectmen too. P. Herr responds affirmatively. The Board of Appeals is the real authority for the variance. The Planning Board has no authority but has some influence. If they decide to remove the drive through and move the building back with a variance, the Planning Board would applaud them. The issue is with the drive through and not the gas station. The Board is concerned about people turning on and off the premises. PC agrees the drive through is a tough sell. AM believes they would be putting people in danger with the handicapped parking space. It is not something the Board would encourage. V. DeAngelis advises Mr. Belan that per discussion with Deputy Fire Chief Thomas Guerin, the Fire Department would like to receive a preliminary sketch and documentation relative to hazardous chemicals. RD asks if Gibbs has any other drive through in any other locations, maybe Gardner?

Mr. Belan responds they are doing a number of them with Honey Dew Donuts. They have to be competitive. WW asks the engineer to walk the Board through the site on how someone coming from Mendon would get gas and go through the drive through. Mr. Lavoie walks the Board through the site but WW feels that it does not work. P. Herr suggests that it would work on a deeper site. Mr. Lavoie suggests they could do 4 pumps with a single island. WW refers to the Sunoco Gas Station on King Street in Franklin off 495 which works better and has no drive through. P. Herr points out the issue is they have to convince the ZBA that the topography is a hardship. Mr. Lavoie believes there is a hardship because of the front setback. AM sees no hardship. P. Herr indicates the issue is the uses and not how it is laid out. AM suggests they could shrink the building and have fewer pumps. P. Herr notes that if the ZBA approves this, the Planning Board couldn't disallow. The Selectmen deal with the safety issues.

81-P SUBMITTAL

Ken McCarter, S. Main Street, submits an 81-P, Form A since he is buying property from his neighbor and is putting a new property line in. P. Herr reviews the plan and determines it is not a subdivision but a division of land into two lots with one having 551' of frontage and the second at 437' of frontage. AM moves to sign the 81-P for Ken McCarter, S. Main Street, seconded by PC, carried with a vote of 4 (WW, PC, AM and RD). EM absent. \$10.00 fee and applications presented.

MINUTES ACCEPTANCE

PC moves to accept the minutes of December 18, 1997, January 8, 1998 and January 22, 1998, seconded by AM, carried with a vote of 4 (WW, PC, AM and RD). EM absent.

DISCUSSION RE: COUNTRY CLUB ESTATES II DRAINAGE

V. DeAngelis advises members an abutter of the Country Club Estates II development came in tonight because he is getting water on his property from a catch basin which is blocked from the Country Club Estates II property. It is his understanding that the lots have been purchased by developer Roger Gagnon and he is concerned that once the lots are developed the drainage situation will worsen. Board members advise V. DeAngelis to send the signed approved plan for the Country Club Estates II Definitive Subdivision to Donald DiMartino, DPW Director and ask him to verify whether or not the drainage was built the way it was designed. It may be an issue of maintenance since the catch basin may be full of sand.

GENERAL DISCUSSION

P. Herr reviewed the Bainbridge Woods Definitive Subdivision plan which is greatly lacking. He put in a call to the engineer. The development is difficult with a 200' long wetland crossing. He will advise the Board further before the next meeting when the public hearing begins.

Members sign the Heritage Pines Definitive Subdivision plan which was approved earlier this evening. Attorney Bruce Lord will obtain copies of the signed mylar and send them to the Board for distribution.

P. Herr advises Board members that D. Fraine wanted to know what the Board thought about the independent Engineer hired to review the Town Common Estates Definitive Subdivision plan. P. Herr told Mr. Fraine that the engineer did a good job. The hourly rate was half what Amory charged.

P. Herr prepared a Certificate of Approval for Weston Estates Definitive Subdivision which the Board can act on at the next meeting. He provides copies to all Board members and extras to V. DeAngelis for distribution to Town Counsel and EM.

Brief discussion relative to the Charles River Center plan which was endorsed by 3 Board members at the January 22, 1998 meeting. WW does not feel he should sign because this is not the same plan which was approved. P. Herr notes the signature block on the plan does not say what the Board is approving. "Granted - Development Plan Approval" should be handwritten on each page of the mylar. WW agrees to sign the plan provided the statement is written above the signature block. V. DeAngelis will call WW after the Development Plan Approval has been written on all pages of the plan so he can endorse.

P. Herr distributes proposed Zoning Bylaw Amendments which he prepared for inclusion on the warrant for the Annual Town Meeting including the Special Permit Certification Article and Assisted Living. The Assisted Living proposal is exactly the same as one year ago but they took out the congregate housing section. Copies of proposed Zoning Bylaws provided to all Board members and extras to V. DeAngelis for distribution to EM, Town Counsel and Jackie Richard for inclusion on the warrant. WW agrees to put both articles on the warrant since they can always be withdrawn later if the Board does not agree to include them.

P. Herr also distributes a Street Opening Bylaw Article which is proposed by D. DiMartino. It was actually prepared a year ago and then withdrawn and then it was to go to the last Special Town Meeting but it wasn't ready. If the Planning Board is agreeable with the content it can be placed on the warrant. It is a concept which has been talked about for 1 1/2 years. P. Herr suggests a copy of the article be sent to D. DiMartino advising him that the Board is okay with this proposed article.

DISCUSSION RE: IDC DRAFT ENVIRONMENTAL IMPACT REPORT

P. Herr reviewed the IDC Draft EIR on the Board's behalf. He saw a number of questions which he discussed with D. Fraine. This has huge support. It is substantially a larger facility than the existing one on Depot Street or the ANP plant proposed for Maple St. It will have two times the power of ANP and 3 times the power of the existing plant. There will be no cogeneration or CO₂ plume. Blackstone had a big issue with storage of oil. They wanted to use oil as a contingency source and they agreed they wouldn't use it more than 30 days of the year when they can't use

natural gas. In the case of Blackstone, ANP agreed not to store oil on the site because of the concerns raised. The plants use more water with oil to achieve the air quality standards. The IDC plant needs 5 million gallons of oil storage. The corner storage tank falls within the Water Resource District. They intend to locate a 5 million gallon oil storage tank where it may impact the town water if it fails. D. Fraine told him the Selectmen are choosing not to go public and comment about the Draft EIR right now. D. Fraine also told him the Selectmen are working with the applicant and will not go public with their objections. The Board of Selectmen would like to see the oil go away altogether. The plants use it on occasions when the gas system are blocked in the south. They could use liquefied natural gas as an alternative rather than oil. The Planning Board could let the Selectmen know their concern or the Board could comment to the Secretary of Environmental Affairs.

The second issue is that the facility is huge and very tall. He explains the distinction in size. The Selectmen want to know why the ANP plant has a 180' stack and the IDC has a 250' stack. ANP uses an innovative cooling technology that the IDC people have no confidence in. He didn't get the impression from his discussion with D. Fraine that the Selectmen would be pleased to see that made an issue of. The Selectmen are negotiating with IDC. They feel they have enough clout with IDC that they don't need to intervene in the state licensing process but it didn't seem from the conversation that the Selectmen would mind if the Planning Board raised the oil issue.

Another issue is they say they easily meet the town's noise standard which is true but the town rewrote the Bylaw so the original Cogeneration Plant could meet it. There are 3 different levels of noise which are allowable in the zoning district in which the noise comes from. He told D. Fraine that the town has a terrible noise Bylaw and should change it and D. Fraine agreed. WW listens to the current plant on Depot Street from 12 Midnight to 7:00 a.m. every night. It makes noise all night long. P. Herr advises 65 decibels of noise at the boundary of the premises is allowable. It was written to let the Depot Street plant operate. The new plant will be quieter. The Planning Board can revisit the noise Bylaw for the next fiscal year. The quality of the Draft EIR is very high. It is not clear they need a Water Resource District Special Permit but hazardous material (oil) will be stored in a Water Resource District. He could prepare a memo to the Selectmen advising them the oil would require a special permit because of the proximity to the Water Resource District. He prepared a diagram which annotates the different heights of the stacks for the 3 power plants. He will send D. Fraine a copy of the hand out and convey the Planning Board's discussion and concerns. He will advise D. Fraine that if he requires further comment he can speak directly with Chairman Wozniak.

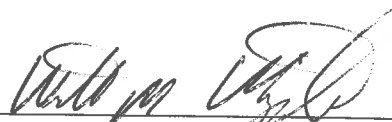
Electromagnetic influence levels of any contaminants are so low they are insignificant. The EPA said they are insignificant. WW comments the Board creates Bylaws to restrict things and then the town ends of waiving them for the big boys.

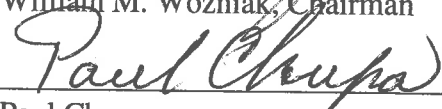
WW refers to parking along the access road at the Outback Restaurant. There is enough parking for the seating but there is not enough parking for the people who are waiting. No parking signs should be installed with a tow zone sign to deter people from parking there. He further

comments that Home Depot took out the handicapped parking space and was using it to park their rental truck. The handicapped parking space is now back.

P. Herr refers to questions from Home Depot about changing their loading area to the side of the building. They intend to change the loading area but it has no change on the parking so they are not required to return to the Board.

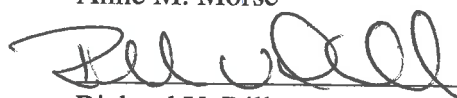
Meeting adjourned at 11:15 p.m.



William M. Wozniak, Chairman

Paul Chupa

Edward T. Moore

Anne M. Morse

Richard V. Dill