

Bellingham Planning Board
Town Hall Annex
Bellingham, Ma.

Regular Meeting - September 26, 1985

Members present - John P. Murray, Chairman
Glenn E. Gerrior, Vice Chairman/Clerk
Emile W. Niedzwiadek
Matthew F. Pytko
Edward T. Moore

The meeting was called to order by Chairman Murray at 7:35 P.M.

Roland Lavallee presented preliminary plans of his 9 lot proposed subdivision off Center Street and Park Street. He is also filing special permit for a cluster development. Members and Mr. Herr reviewed the plan, drainage and proposed roadway. The proposed name of the subdivision is Center Park Estates. The Board voted 5-0 to hold a public hearing on November 14, 1985 at 8:30 P.M. It was suggested that Mr. Lavallee change the name of his project so as not to confuse it with another with similar name. Mr. Lavallee said he would have new plans made up with the new name on it and deliver them to Mr. Niedzwiadek for distribution. Mr. Lavallee paid the filing fee of \$225.00 for the preliminary plan for 9 lots and the special permit fee of 54.00 plus estimated cost of public hearing.

Clifford Grover of No. Main St., Bellingham presented a Form A plan which shows a parcel along the back of his Circle C camp ground which he said is to be used as a buffer zone. Members reviewed the plan and found no problem with it. On a Gerrior/Moore motion the Board voted 5-0 to sign the plan.

At 8:00 P.M. Mr. Murray opened the public hearing on the application of Onallam Realty Trust for a special permit to construct 84 unit two-bedroom townhouses between So. Main St. and Mechanic St. on approximately 36 acres of land. The project to be known as "Crystal Springs". During absence of secretary notice was read by Mr. Pytko.

Mr. Murray noted that there were two problems concerning this hearing notice; one, the notice was not posted in the Town Clerk's office within the 14 day time frame, and second, the developer who was supposed to file a copy of the plan with the Town Clerk did not do so within the proper time. He said we knew about this defect before this meeting. This hearing has been re-advertised and set for October 10, 1985 at 9:00 P.M. The developer said he would be willing to pay the cost of the advertising for this hearing.

Attorney John Fernandes was present representing Onallam Realty. He said they recognized that there were defects and said the hearing should be postponed and re-scheduled, following all the requirements for notices and advertising. The first publications are in the newspapers today for the October 10th hearing.

Mr. Murray requested a motion on this. He asked Mr. Fernandes what the date of application is. Was it August 22nd.

Mr. Fernandes said the date of application is August 22nd, but he said, "I suppose it's a very good argument since we didn't get the necessary papers to the Town Clerk until sometime around the 16th of September, that's really their application date that the application was filed." He said regardless of which date is used we are still well within the 65 day time frame by scheduling October 10th.

Motion was made by Mr. Niedzwiadek to postpone the public hearing to October 10, 1985 at 9:00 P.M. on Crystal Springs. The advertising will be re-scheduled. Motion seconded by Mr. Pytko. The Board voted 5-0 to postpone the public hearing as stated, to October 10, 1985, 9:00 PM.

Phil Herr said he spoke with Mr. Fernandes yesterday and mentioned to him that he did not have a lot of the information that is required for submittal. Mr. Herr said it would be too bad to go through another hearing and not have the information complete. He said he wants to know how we can expeditiously assure ourselves that we've really got such things as the proposed topography, drawings showing location of sewerage disposal facilities for the current scheme.

Mr. Fernandes said they didn't bring any plans this evening as they didn't anticipate going forward. He said he discussed his conversation with Mr. Herr with the engineers of Millis Engineering, Mr. Lindsay in particular, and he said they assured him that the original filing contained all of those plans and documents, but said any plans or information that the consultant doesn't have, he was asked to contact Mr. Herr to work out the details.

Mr. Fernandes said they would direct Millis Engineering to contact the various boards, Highway, Water, Fire and ConCom, to make sure they have all the appropriate plans.

Al Florentz of Bibeault & Florentz Engineering returned to the Board regarding the decision of the Board on the Chestnut Estates subdivision. The Certificate of Approval, Form D-1, was read by Mr. Murray. The plan was approved at the September 12th meeting with four waivers. Mr. Murray explained to the Dills that this approval does not mean they can get building permits on this. They have to come up with a bond, bankbook, or a covenant, before any permits can be issued. First, we have to file this certificate with the Town Clerk and there is a 21 day appeal period. After that goes by, we will be signing the plans.

On a Niedzwiadek/Gerrior motion the Board voted 5-0 to sign the decision for Chestnut Estates.

They will return on October 24, 1985 at 7:45 P.M.

Mr. Pytko will deliver Form D-1 to Town Clerk.

Robert Drake of Drake Associates, Engineers, Framingham representing the Celtic Companies and Building Inspector Gregoire presented drawings for a site plan review of the Maple Brook Condominium project Phase II.

Mr. Murray asked how many parking spaces per unit is being proposed in Phase II. Mr. Drake said 2.3, which is the same as Phase I. They were using 2.3 in phase I and would monitor that through occupancy to see if that number should go up 2.5 or down to 2.0. Mr. Murray pointed out the problem with having no experience in how to monitor. Drake said, "we're gaining experience every day". Mr. Herr questioned the sense of that; would he have people parking on the road because there is not enough parking space. Mr. Drake said the demographics on their request for the future development study showed that they are picking up very few children and a lot of single car ownership at this point. Also, considering they have abandoned the 3 bedroom units in the project through Phase I and II. They are only building 2 bedroom units.

Mr. Murray noted that in discussions about parking spaces for Phase I it was decided to go for 2.3 spaces per unit and to determine after occupancy if that was adequate, and he said as far as that particular point is concerned he feels they should stay with that.

Mr. Drake said the details of Phase II indicate the same density for parking of 2.3 per unit.

Mr. Murray asked Mr. Drake if they have units that are fully occupied now. Mr. Drake said yes. Mr. Moore asked how many units are occupied. Mr. Gregoire said about 50 units. Mr. Murray mentioned seeing one parking lot that was full but when he saw Mr. Racicot he was told that employees park in that particular lot. He said the other lot didn't look full.

Mr. Moore said he does not think 2 spaces per unit is enough. Mr. Herr said they are not proposing that. Mr. Moore was concerned that there be adequate parking to avoid guests parking on the street.

Mr. Murray described his experience with viewing the parking problems that exists at the Oakwoods Apartments. There was overcrowding but it was really a matter of the people not using their parking spaces.

Mr. Drake said he recalls the discussion because they were talking about the layout of the parking was removed from the units, referring to the confusion of designation of who gets the parking space.

Mr. Drake said the 2.5 or 2.3 gives us two to three guest parking spaces. Mr. Moore asked Mr. Drake if the 2.3 spaces have been used, or the 2 spaces. Mr. Drake said the 2.3 spaces.

In discussing whether 2.5 or 2.3 spaces should be provided Mr. Drake said he thinks it would be premature to make any final conclusions on this. He said they are in Phase II now and this could be monitored before they go into Phase III, as to whether to go 2.5 or down to 2.2.

Mr. Herr pointed out that requiring 2.3 spaces is requiring substantially more than the norm. There is a great deal of experience with this kind of development in this part of the state and they don't run that heavy. Mr. Herr said he feels we are really being quite conservative; he felt that originally and continues to feel that way.

Mr. Herr said when you see the configuration of the parking areas, if in fact there were a problem, the way he reads Drake's drawing it would be easy to extend and add a space or two.

Mr. Moore inquired if later on in the other phases, if you did have a problem, can you say go back to Phase I parking and make that lot bigger, or do you just make future lots bigger.

Mr. Herr said his belief is that given the relationship between the Town and this company, if they were having a problem and cars were parking on the street, and were requested to put in more parking, he believes that they would. Whether the town has the legal authority to require it, he does not know.

Mr. Drake said the way it is laid out you've got the two spaces right in front of the front doors and they put the extra one at the end. They are not designated.

Mr. Herr said he didn't get any drawings that showed that there was landscaping or distinguished existing vegetation from the rest.

He said he cannot read that from these drawings. Mr. Drake asked about the gradings. Mr. Herr said he can infer it from the grading because he can see the grade changes but he cannot see the vegetation.

He pointed to an area on the plan where Mr. Drake has changed the grading and Mr. Herr said he knows the vegetation is gone.

Mr. Herr said there are screening requirements for parking various places; there are fencing requirements.

Mr. Drake said the screening and fencing requirements has not been accomplished.

Mr. Herr said he wants to see it on the drawing.

Mr. Herr said he can't see where the sewerage disposal is to be located; can't see the size or height of the sign and said he supposes there isn't one; can't see outdoor lighting, and supposes there isn't any.

Mr. Herr said he cannot do an evaluation on this without all the information. He needs more information on the drainage. As far as the site plan review is concerned, he said all he can see is that there is a drain, there is a culvert that goes under a road and goes somewhere, and he cannot make an evaluation of the adequacy of that. He said if the Board wanted some evaluation of that they should ask for more information. He said he noted a catch basin to catch basin drain and this is not allowed in case of getting blocked up. That is not consistent with our regulations. He said there is a note on the drawings which indicates a commitment to extend the 10 inch water main to Blackstone St. as part of Phase II, but he indicated the drawing showed the main ended short of that. Drake said it is through but the drawing wasn't complete.

On another sheet, Mr. Herr pointed out that a parking area proposed for Phase III is too close to the street. He said although they are not into Phase III, that should be noted and taken care of.

Mr. Herr asked what the status is now and do they want to get building permits right away. Mr. Moore asked how many units are going to be involved in Phase II, and if this is just the remainder up to the 100 units.

Mr. Herr said this is a separate issue; one is the issue of the number of units per year that he can build, and the other is the issue of phasing in the developments. Mr. Drake discussed the terms of the special permit regarding the sliding bracket of 12 months.

Mr. Moore asked about the road through to Blackstone St. Drake said the design is completed, the water line is completed and they are about two-thirds through with all the drainage and utilities, and he said they have provided the secondary means of access at the division line between Phase I and Phase II.

Mr. Herr suggested that the Board recommend to the Building Inspector that he approve the building permits provided the site plan gets revised to eliminate the catch basin to catch basin drainage, and provided that within some period of time that is stipulated that the applicant submit drawings enabling evaluation.

Mr. Murray asked how many units in Phase I. Mr. Gregoire said 64.

Mr. Moore asked how many in Phase II. Mr. Murray said if you have 62, that means you can only take 38, and asked if that was correct.

Mr. Drake said Phase II gets you to some 120 odd units, but they can't take the permits until their 24 month period expires.

Mr. Herr said they just want design approval. Mr. Drake agreed.

Mr. Pytko asked Mr. Gregoire how many permits have been issued.

Mr. Gregoire said 92 permits today. He said they can go another 10 because if they go the 100, they would have to split a unit.

Mr. Gregoire said also they requested that after these permits are done that they take permits just for foundations only, so that they can do the ground work, and Mr. Gregoire said he agreed with that.

Mr. Drake said the idea behind that was to get site work as much as possible. Mr. Moore said rather than having to stop with just foundations why couldn't they build but not occupy until the time is up. Drake said cost-wise to go above ground construction that is not cost effective. He said they can absorb site cost construction and foundation costs because it would be cheaper for them. He said if they can continue their site work they can spend the next year getting that squared away, and he feels it would serve the best use of the project as they will be able to get roads, drainage and landscape squared away.

Mr. Pytko raised a question about the permits.

Mr. Pytko said Phase I has 64 units and the Board has not approved Phase II, so how can we issue 82 or 84 permits which encroaches on Phase II. He said he wants to know why 20 extra permits were issued and we haven't approved it. Mr. Gregoire said he issued them this week, they haven't started anything, but he said it was his fault and took responsibility for it. Mr. Pytko was displeased, because Phase II was not approved, that the Building Inspector had issued the permits. Mr. Niedzwiadek said according to the schedule that we are supposed to follow, Mr. Drake has more permits than he supposed to have at this particular point in time.

Mr. Gregoire said he won't be over if you approve it. Mr. Pytko said, naturally he won't be over if we approve it, but we haven't approved it. Mr. Gregoire said he realizes that and also said this is the first condos he has done, now that he knows the procedure it makes it a lot different.

Mr. Murray suggested Celtic bring in the plans showing the specifications that Consultant Herr pointed out in regards to the vegetation, fencing, screening, location of sewerage disposal area, lights, signs, elevation, drainage, and putting in the additional manhole, and to eliminate the catch basin to catch basin drainage.

Addressing the Building Inspector, Mr. Murray said these items should be done before anymore permits are issued. He also told the building inspector that he can get on the agenda at any time. Inspector Gregoire acknowledged. They had a brief discussion about the site plan review procedure and Mr. Murray explained that the company goes to him and he distributes the plans to the other boards and to us. The Board gives a letter of recommendation. Gregoire agreed.

Mr. Murray said that until he comes back to the Board with the changes as proposed by our consultant, the Board will not give a letter of recommendation.

Mr. Herr said that is not quite what he suggested; he said he doesn't think they have to come back. The only substitutive change that we are talking about is putting in an additional manhole and Mr. Herr said he doesn't think that's got to go back.

Mr. Murray then asked Mr. Herr what kind of a letter should the Board be writing to the Building Inspector.

Mr. Herr said he thinks the letter should contain everything referred to previously, except their coming back.

Mr. Murray said the Board will write a letter of recommendation to the Building Inspector that before anymore permits are issued those specifications pointed out by Mr. Herr be met. Secretary was requested to send a letter of recommendation to the Building Inspector.

On a Niedzwiadek/Gerrior motion the Board voted 5-0 to direct a letter of recommendation to the Building Inspector Gregoire that he monitor Celtic Construction in regards to the vegetation, elevation, lights, signs, fencing, screening, drainage, location of sewerage disposal area, eliminate the catch basin to catch basin drain, put in additional manhole.

At 9:00 P.M. Public Hearing for "Stall Brook" Estates for approval of definitive subdivision plan showing 23 lots. Secretary read the notice. Attorney John Fernandes, representing Onallam Realty, made the presentation. James Reger of Millis Engineering was also present.

Attorney Fernandes placed the plan on a easel for viewing, which plans as he pointed out, shows a cluster development. He said he realizes that the Bylaws require that cluster development occur by special permit before a subdivision can be approved. In considering that, he said they have considered what action the Board might take with this.

Attorney Fernandes said their options would be to request from the Board a waiver of the time frame and delay this matter until such time as they can present the special permit application to the Board and to act on that special permit and if that is approved, then go forward on the subdivision. If denied, of course, they would have no reason to go forward on the cluster subdivision.

Attorney Fernandes said they are conscious of the fact that there is some opposition within the community, particularly in the neighborhood to cluster development in this area. Being conscious of that, he said they are prepared to go forward on the subdivision itself, considering primarily as a conventional subdivision as opposed to cluster, which, of course, would mean that the lot lines as shown on the plan now would not be the lot lines that would eventually appear.

In that case, he said what they would be asking the Board to do is consider one of two things; approval of the plan with whatever conditions, including, obviously, conventional lots, and whatever other conditions determined appropriate as a result of this hearing. Or, they would request a waiver or extension of 60 days requirements of the statutes with the approval of the Board to give perhaps another 60 days to consider this plan and to bring in whatever plans that another public hearing might be requested by the Board to show a conventional plan development.

Attorney Fernandes said that in any event it would be the plan of Onallam Realty to maintain the roadway as it appears on this plan, and to merely do a conventional plan around that. He said they feel confident that the Board can go forward this evening to consider the proposal of the roadway, drainage, and other issues relative to a subdivision on this lot, and obviously the condition would have to be placed that conventional lots be put on the plan.

He pointed out the location of the lot off Farm Street. They cut between two existing house lots which land is owned by Onallam Realty, and there is a 45 ft. access entering off of Farm St. There is a 5 ft. strip of land to the upper portion that he said they have an easement for to give them the 50 ft. requirement, so they are not concerned about that. He suggested Mr. Reger comment on the technical aspects of the plan.

Mr. Murray said to go from cluster to conventional the lots would have to look so much different. Mr. Fernandes said he is not sure the lots would have to look different, but obviously they'd have to be bigger but he said they don't believe they have to change the design of the road. The area to be subdivided would be essentially the same area.

Mr. Herr asked how many lots. Mr. Fernandes said there would be, on some initial drawings they have considered, there would be 13 lots, in lieu of what is now 23 lots.

Mr. Niedzwiadek asked if the road is going to be in exactly the same place. Mr. Fernandes said the road would not change at all, that's why they felt confident about going forward tonight. Essentially it would be the same plan only fewer lots around it.

Mr. Niedzwiadek asked if part of that land is wetlands, referring to the large area at the back of the plan.

Mr. Reger said definitely it is wetlands. He said they have contracted with a wetlands consultant, I.G.P., to flag this and said they still have not gotten complete information from them.

Primarily the wetlands are in the area adjacent to Stall Brook, and all of the drainage they are proposing in this plan and in subsequent plans, are just running that drainage between two lots and then it goes on to

their property, which Reger said is about 30 acres, and gradually work its way out to Stall Brook. He said the Corps of Engineers have easements and ownership of portions of Stall Brook. He said they talked to the Corps of Engineers Reservoir Division, and they have expressed no opposition to that type of drainage scheme.

In a further discussion of the wetlands area and the effect this development may have on the area, Bruce Lord requested that an environmental impact study be submitted prior to the next hearing so that we can all see what the problems are, environmentally. He said this is very important. Also, he said the entire thing should be discussed, right now portions of this plan is being discussed, without seeing the whole.

Mr. Reger again mentioned hiring I.E.P. Wetlands Consultants to flag the wetlands area, but said there is a big difference between flagging the wetland and actually preparing an environmental report, particularly when we are talking now of 14 lots. He said he is not sure whether the town has ever asked for an environmental report from other developers on 14 lots.

Mr. Reger said he does recall Mr. Lord requesting an environmental study of this area at a previous meeting but doesn't recall the Board actually saying that they should do one. He said at that time they did recognize that there was going to be opposition from the neighborhood.

Mr. Fernandes said if they are affecting the wetlands they know they will have to go before the Conservation Commission, and the Board knows and he said that's their appropriate area of concern and review. He said obviously they will have to go to the ConCom with certain environmental reports that meet their requirements. He said if this Board overly concerns itself with the wetlands issue (he said he doesn't mean to downplay the wetlands issue), and they try to address the concerns of this Board, he argues that they may have to repeat their work to satisfy the ConCom and then come back here again, particularly where there is a 14 parcel lot. He pointed out the Rules and Regulations governing subdivisions in Bellingham talks about requiring such reports for big developments of 30 or more lots, and for 30 and under it's discretionary. He also pointed out that it says there are some specific kinds of location concerns that make that kind of a report warranted because it is a large expense.

A concerned resident commented on the proposed road. She said it is wetlands area starting at the beginning at Farm St. where the road is to go into the area. And she said that area might have to be filled or raised in order to have an appropriate road.

Mr. Lord also agreed that it is wetlands and he is concerned about the road that is marked to go through the wetlands. He had pictures of the area. Mr. Lord said that is one of the concerns and that is why he wants the plan presented in the whole rather than in piecemeal and he would like to see the environmental report and he thinks it would directly relate to the road.

Mr. Fernandes said they are going to have to go before the ConCom before they can do any work in a wetlands area. He said while they may wish that all that responsibility was placed into one Board, it is not, so what this Board does is not going to be binding ultimately on the ConCom because they are still going to have to pass on what we do on the wetlands area. So Mr. Fernandes said he thinks what the Board ought to address its concerns to and should talk about is appropriate to the roadway, grading, the construction of the roadway and those types of issues. He said if they want the roadway approved the way they proposed it because for subdivision purposes it appears to be an appropriate roadway and the ConCom puts restrictions on them, he said they will meet

those restrictions as to constructing, because they will not be able to go in and construct it if it is wetlands. He said the ConCom will tell them what to do to put the road where they want.

Mr. Herr said Attorney Fernandes has just persuaded him of the wisdom of requiring environmental analysis.

Mr. Herr said what Mr. Fernandes is suggesting is that the Planning Board is in charge of roads, to make sure the grades are right, and leave somebody else to worry about the quality of the environment. He said that is an inappropriate characterization of what the Planning Board ought to do; the Planning Board ought to be concerning itself with the appropriateness of the scheme.

Mr. Herr said the drawings he had to review nowhere near allowed him to make an evaluation of the appropriateness of the scheme, and if we had all the drawing requirements but didn't have the environmental analysis it still would fall short of what would be ideal.

It is not a new idea, we required the analysis with Mr. Morse and he found that analysis very helpful, but regretted that it arrived so late in the process and he does not feel it was fully reflected in what has happened on Mr. Morse's land. Had we had that information earlier in the process he feels he would have had a better development.

Mr. Herr asked Mr. Fernandes what they are considering.

Mr. Fernandes said they are considering coming back to the Board with a conventional plan, and that's what they are asking the Board to consider. This is about half the number of lots then previously planned.

Mr. Herr said he thinks it is a little hard on a Board to visualize how all of these changes add up.

Mr. Herr said to consider that we can have an adequate and full hearing tonight, it is clear that we can't.

Mr. Murray said a letter from the Water Dept. dated September 26, 1985 said they find there is no water being supplied.

Mr. Reger said they will have wells. Mr. Murray said they have to show the adequacy of the wells.

Mr. Murray said from what he can see the plan is quite defective.

Mr. Reger said, "certainly there are things that should be added to the plan, there is no question about that".

Mr. Pytko said, "changed completely, not added".

Mr. Reger said he would just like to say as far as Mr. Lord's objection to the wetlands in the front, we did walk that with the ConCom. To this Mr. Lord's reply was that his pictures are of the wetlands in the back.

Mr. Reger continued to point out that he has walked this land with the Conservation Commission, particularly in the front area, and a blocked driveway and a culvert which is too high the ConCom fully recognizes.

Mr. Herr said if we had information on wetlands we wouldn't be having to have this kind of hand-waving discussion. Reger agreed.

Mr. Fernandes said what they would like to do is waive the time requirements, come back with the plans that shows the lots. He thought that perhaps what they could do tonight is talk somewhat about the roadway because that's not going to change. If the Board needs more information to discuss the roadway, we'll come back with whatever conditions the Board wants.

Mr. Herr said it's asserted that the road goes through a wetlands.

Mr. Fernandes said they are concerned about the scope of the environmental study that was discussed under the Rules & Regulations. He said if the Board would define for them what is wanted in the way of environmental study they will bring it in.

Mr. Lord pointed out to Mr. Reger that he does not find the environmental requirements to be extremely harsh because they have an area that sits very close to the town water wells, it sits next to wetlands, it has standing water on it, its a piece of property that is dominated by what is basically a crest surrounded by wetlands. He pointed out that if we are only going to see part of the plan tonight and we're seeing the roadway, he does not think the environmental aspects can be discussed. The house lots are part and parcel of the plan, you may find that the roadway is not adequate once you see the division of the lots, the road may have to be changed to give different frontages or to get away from wet areas. He does not think part of this plan can be discussed now and then come back 60 or so days later and discuss the rest of it. It should be discussed as a whole, and he thinks there should be a requirement made that the environmental analysis be given.

Mr. Murray said the Water Dept.'s concern was with the fact that no water was shown on the plan. There is a water main going by fairly close to the project. He said the Fire Dept. does not like to approve subdivisions unless there is town water because of the adequacy of fire protection. The next issue is whether or not the 6 inch main on Farm St. adequate to serve the subdivision and that will have to be addressed, and it is a dead end, so the pressure will suffer.

Mr. Murray said part of the problem with this plan is how are you going to supply water to these homes.

Mr. Reger said they have discussed that with the Water Dept. He said he has their flow test which shows inadequate pressure at that point.

Mr. Reger said at one point they had discussed with the Water Dept. the possibility of tie-in with another development down there.

Mr. Reger said another possibility, and another reason why they are saying they would request an extension is something that just came up as far as they are concerned, of the possibility, and what they are considering perhaps if the Water Dept. would like it, is that they could run a main directly from the existing well, the existing main, into our subdivision but not into Farm St. The town well is right there and he said this possibility just occurred to them yesterday.

Following further discussion regarding how to handle this submittal, Mr. Murray pointed out that the Board could not approve this particular plan. The Board agreed to approve the request for an extension for "Stall Brook Estates" to November 28, 1985.

Mr. Fernandes to give the Board a hand written letter requesting the extension.

On a Niedzwiadek/Moore motion the Board voted 5-0 to grant the request for a 60 day extension from the date of filing August 22, 1985 to November 28, 1985 for "Stall Brook Estates" Onallam Realty to include provisions of Section 364 b Environmental Analysis; (1) Impact upon surface water quality and level; (2) Impact upon ground water quality and level; (3) Material effects upon important wildlife habitats, outstanding botanical features, scenic or historic environs; (4) Capability of soils, vegetative cover, and proposed erosion control efforts to support proposed development without danger of erosion, silting, or other instability, and to include Section 4.2 (C) Environmental Analysis Requirements Appendix; All brooks, creeks, rivers, streams, ponds, lakes and wetlands (or any bank, flat, marsh, meadow, or swamp bordering such area), whether continuous or intermittent, natural or man-made, should be delineated, if they affect the site or will be affected by the proposed changes in the site, and a public hearing is scheduled on this request on November 21, 1985 at 8:00 P.M. to be re-advertised and paid by the applicant.

Mr. Reger said he would send copies of their plans to Mr. Herr and to Mr. Lord as requested.

On a Niedzwiadek/Pytko the Board voted 5-0 to close the hearing on Stall Brook Estates.

Mr. Murray opened the continued hearing for "Cliff Estates", Oakridge Construction Co., Dennis Marguerite, owner, on his application for approval of a definitive plan for a subdivision on property off High Street. Plans were presented by GLM Engineering of Holliston. The plan shows a 60 ft. wide roadway through the project with a 60 ft. existing right of way at the other end. As discussed at the previous meeting they would like to request a waiver to reduce the pavement width. Mr. Herr said they didn't need a waiver, what is shown is a 36 ft. wide landing strip to get into the house lots. It's not required, depending on how you read, it might be that 29 ft. to the outside of the curb is what you'd need. Mr. Herr said a 36 ft. pavement is not necessary.

Mr. Pytko expressed his concern about the lot in back. Mr. Herr said he feels the Board has no authority to do anything about that.

Regarding the perk testing, the Board of Health reported nine perk tests were witnessed on the Cliff Estates.

The perk test was done and approved but the deep hole test has not been done. In the past the deep hole was tested and it got about 2 ft. down and the hole was filled with water. When they dug the test pits for these recently the hole was dry and therefore, before anything can be done regarding sanitation now that has to be completed. Question was raised whether there would be a problem when the water table is up. They will be informed by the Board of Health.

Regarding that existing right of way, Mr. Rosenlund said he was asked some time ago by Mr. Hill about what he needs for frontage for right of way into his property.

Following discussion about the roadway off High St. into the project it was agreed that the road would be opposite Fifth Avenue as requested by the Board. Mr. Rosenlund said the owner of the property at Oak Woods has a right of way through there, that right of way was given up in exchange for parcel of land abutting the property. He said there should be some kind of fencing there. Once that road goes down and if it is not cut off there will be others cutting through. The roadway through the project as shown on the plans ends in a cul de sac.

Mr. Herr pointed out that the elevation is not noted, there should be catch basins near all corners, there is no street name or numbers assigned as yet. He said there is the same issue as with Celtic, not a perfect catch basin-manhole system, a pair of catch basins with a cross connect drain.

Mr. Murray said this hearing will have to be continued. Oakridge Construction will return to the Board with their revised plan.

On a Niedzwiadek/Pytko motion the Board voted 5-0 to continue this public hearing to October 10, 1985 at 8:00 P.M.

Mr. Harvey representing Charter Marketing Company, Jacksonville, Florida appeared before the Board with Mr. Gregoire to present site plan of the Old Colony Gas Station located off Hartford Avenue. They are refurbishing the Old Colony Gas stations and want to remove all of the old stations, remodel and include things to sell. They will still be a self-service gas station, and have four gas pumps. The floor space is 824 sq. ft. Mr. Herr asked if they are proposing to leave the pavement as is, no grading change. No grading change and the curb cuts the same.

Mr. Harvey said the same signs will be there and the building is going to be under the existing canopy. Six parking spaces are proposed, which was pointed out to be more than the number required. Mr. Herr said the plan appears to conform with our bylaws and suggested the building inspector see that the site plan is performed. Mr. Gregoire said the State Fire Marshall still has to approve it. They thanked the Board and left at 11:00 P.M.

Gerry Brisson presented the covenant for "Reservoir Estates", which was reviewed by Mr. Herr. He said that the covenant is the Board's Form and agrees that it is o.k. Mr. Herr said no building permits can be issued before the roads are done, and he has to get a release for a lot before he can get any building permit. The Planning Board has to see that all the work is done. The Board gives a release. The building inspector does not give a building permit until the Board says. The next time a release is requested it can be made out to exclude the lot that was previously released. Mr. Herr said the drawing should have a notation on it that says, subject to covenant recorded herewith. Brisson said he would put that on it. Mr. Herr said the plan cannot get recorded until the Board and the Town Clerk signs it. Town Clerk will not sign it if an appeal has been made on it.

Mr. Brisson then presented the plans on Gil Trudeau's "Elm Estates", a 25 lot subdivision proposed off Elm and Arcand Streets. There was a problem with Arcand Street and this new preliminary plan proposes to eliminate that.

A resident of the area voiced her opposition to this subdivision. She said there is going to be very much water problem. Mr. Murray suggested that sometimes water problems can be solved, in some cases, when a subdivision is put in. Mr. Herr said the issue here is the issue of ground water. Presumably there are questions being raised as to where the storm water goes, should there be retention areas, etc.

Mr. Herr said another question is the traffic question. Is it improved by not using Arcand St. There would be more traffic on Elm St. The traffic problem there is going to be very dangerous. A resident said with 24 houses on there a serious traffic condition is being created.

Another resident said his main concern is with the water in the back. He pointed out a lot (#4) and asked where the septic is going to run, into his back yard. He said one of the neighbors spent a lot of money trying to get rid of water on their lot. He said they are concerned with the water in the area, the drainage, and septic system in the area. Some of the people have water in their cellars that requires a pump.

At the moment, Mr. Herr said the choices are about the street configuration and the drainage system; how the leach fields impact some of those people's property.

Mr. Brisson said they were here for general information.

A resident asked if perk testing has to be done for each lot. She was told yes.

Mr. Herr suggested they trim back four lots. Gil Trudeau expressed concern with losing the additional lots. Mr. Brisson said he feels the Board wants 19 lots. Trudeau asked for 22 lots. Mr. Niedzwiadek and Mr. Pytko thought it would be better than what they now propose. The Board's tentative field trip to the property on September 14th was attended by ConCom Secretary George Holmes and several others. Scheduling did not allow any Board members to be present.

Mr. Moore made a motion to go along with 19 lots.

Mr. Brisson said they would like to go for 22 lots

On a Niedzwiadek/Pytko motion the Board voted 3-2 to approve the 22 lots for "Elm Estates". Members voted for: Niedzwiadek, Pytko and Gerrior. Members voted against: Murray and Moore. Mr. Brisson said they will probably come in with 22 lots on a definitive plan.

Frank Morse, Morse Realty Trust, stopped in with the bond. He presented a bank book from Milford Savings & Loan showing \$5,000.00. Mr. Morse will get letter from Mr. Ambler and give to Mr. Pytko for delivery to Town Treasurer, with the bank book. Mr. Morse has Certificate of Release for lots 8, 9, 10, 11, 12, 13, 14, 15, 24, 25, 26, 27, 28, 29, 30 and 31.

Mr. Murray gave a copy of the plans for "Brook Estates" to Mr. Herr for review. This is a 17 lot subdivision off Saddle Back Hill which ends in a cul de sac. Mr. Herr feels this is a very bad plan. There is only one means of egress. Also the water pressure there would not be adequate. He will look at this further.

Mr. Herr and Board members discussed whether to have a workshop between them on the townhouse revisions before a public hearing. It was agreed to hold a workshop on October 8, 1985 at 7:30 P.M.

The Board agreed to set the time for the public hearing. On a Niedzwiadek/Moore motion the Board voted 5-0 to hold a public hearing on townhouse revisions on November 21, 1985 at 9:00 P.M.

On a Niedzwiadek/Pytko motion the Board voted 5-0 to adjourn.

Adjournment at 1:50 A.M.

Respectfully submitted,

Glenn E. Gerrior, Clerk