



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

EDWARD T. MOORE, CHAIRMAN
GLENN E. GERRIOR, VICE CHAIRMAN
EMILE W. NIEDZWIADK
ANNE M. FARRIS
JOHN P. MURRAY

MINUTES OF REGULAR MEETING

October 27, 1988

All members were present.
Board's consultant, Philip B. Herr was also present.

Submissions

Form A, Carl Chambers, 1st Avenue. AF makes motion to sign. EN seconded. Vote of three Board Members. Paid \$10.00 cash.

Three Form A's, Len San Clemente, Glockner Land, AF makes motion, EN seconds motion, Vote of three Board members. Paid by check #1211.

Form A, Guerrera-Halnon, for Crystal Pumping Station. AF moved to sign, EN seconds motion, Vote of three Board Members. Fee of \$10.00 paid by check #18973.

Form A, Guerrera-Halnon, for Douglas Drive Pumping Station. AF moved to sign, JM seconded motion, vote of four Board members. Paid by check #18972

Irrevocable Letter of Credit, Home National Bank #8877, Bald Hill Estates Forge Hill Development Corporation. AF moved to accept, JM seconded. Unanimous vote of 4.

Lakeview Estates

P. Herr states Plan looks different. Board can not act on it. Suggests putting it forward for four months and considering the current plan.

? requests a four month extension because they have to go back to Town Meeting. He does not want to waste the Board's time since they can do it in February.

JM is concerned they are doing the right thing by statute.

EM questions if the hearing is closed on this issue. He will discuss the extension with Town Counsel within 30 days.



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P. Herr indicates if Board is not sure, they should continue the hearing. They should notify abutters and advertise in the paper just like a new subdivision prior to February 23, 1989.

? states it is not his intent to avoid a hearing.

P. Herr states drawings would be available prior to notice of hearing. He will review drawings in advance.

EM states Board expects action prior to hearing date. Hearing is extended to February 23, 1989 at 8:00 p.m. EM requests motion.

AM made motion. EN seconds motion. Unanimous approval.

P. Herr states Board can act on issue with notice. Someone has to figure out who the abutters are. Occupants should agree to provide list and pay for expenses.

EM questions if they are agreeable to giving notice to current abutters and paying expenses. They should provide an abutters list about a month before the hearing.

? states he will get the list.

Cedar Hill Associates - Site Plan

EM states Board has a continued public hearing scheduled tonight regarding New England Country Club.

? needs 10 minutes to go over site plan regarding Cedar Hill.

EM questions location of water main. Water pressure required fire hydrants.

? states water line exists 30 feet into the site. The back water line exists 200 feet in this direction.

EM questions if it should have September 2, 1988 as a date. EM suggests applicant explain plan to audience. Residents and neighbors may not know where it is and what it is.

EM states applicant found water line Fire Chief could not find to be existing. Water line comes 200 feet into the site from the water from the back of the site. EM questions if water loop comes from Mechanics Street.

? indicates the connection is down Mechanics Street.



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P. Herr states that is correct.

? states the connection the owner made is 300 feet between here and fire hydrant. The Fire Chief and Mr. Belanger (sp.) of the Water Dept. wrote a letter which you should have.

EM states the letter is probably in the mail box at the Town Hall.

GG will go look for the letter.

EM questions if other lot owned or left by the bank is the small lot left in the middle.

? indicates that is correct.

P. Herr states the only remaining issue other than the water question has to do with the landscaped berm. It is shown in the drawings with a centered parking lot. He questions who is responsible for the building and if it is OK to build half on an abutter's lane.

EM states at one time it was the same owner.

Mr. Healey, Cedar Hill Associates, states the landscaping goes around two sides of the project. It was originally designed to go around the entire industrial park. He states Board has approved a similar version in other site plans of other industrial parks. The building costs will be borne solely by the developer. The subdivision was originally developed with one person as owner. Now there are two separate groups. The condominium trustees will approve the final plan.

EM questions if they have any guaranteed easements which will allow them to build now that there is a new owner and new development.

Mr. Healey states they need the permission of the trustees when they get to that point in construction.

EM questions if they should have permission before reaching that point in order to approve the site plan.

Mr. Healey states they will present another type of berm to the Board. Mr. Clemens gave them more approaches. If the trustees will not allow them on the property, they will do something different. He indicates the berm is on some site plans which have already been approved. They want to have the same one all the way around the industrial park.

EM agrees but states there are four different trusts there. He questions how they will all agree.



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Mr. Healey states if any one of the trusts along the side will not grant access, the developer will come back to the town to recommend a different type of berm.

? states there are a number of things which could be done. There are trees out there now.

Evelyn Tubby, Maplewood Condominiums, # 112, questions location of the berms in relation to the access road next to the lot line which were used as construction roads to construct the condo site.

P. Herr indicates the access lot will be right on the property line.

E. Tubby questions if it is the dirt road by Grafton Industries.

Mr. Healey states that is the road.

? indicates they are discussing a 45,000 square foot condo building and perhaps warehouse. It is undetermined what the space will be used for. Someone may buy the whole building or one or two units.

E. Tubby questions if it is beyond the access road which was used by the construction company, the previous owners.

? indicates it is not on condo property. It will not be used as part of the roadway existing for this project.

E. Tubby questions where it is going to be put.

EM states the discussion is getting off the path. This is not a public hearing. EM suggests applicants go into next room to explain issues. They are going over information which the Board has already covered.

P. Herr states they have the proper set back for zoning change for agricultural and industrial. He indicates it says 175 feet.

EM questions if the site plan is in order.

P. Herr states it is, but suggests Board request the building inspector to ensure berms are in place prior to occupancy.

Lucille Gillons, Maplewood Condominiums questions why they can not be put in place prior to construction.

P. Herr states there is no reason why it can't be, but he does not believe the Board can require it.



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? explains one of the items required prior to bank financing was putting up the berms. It is considered part of the total construction.

EM states Board will send a letter to the building inspector approving the site plan with recommendations that he withhold the occupancy permit until the entire berms are put up.

P. Herr suggests they remind building inspector there are similar berms on both sides of the street.

EM states they have reminded him of that.

EN makes motion. AM seconds motion. Unanimous approval.

EM states site plan is approved and a letter will be sent to the building inspector stating he should withhold occupancy permits until perimeter berms are put in.

New England Country Club Public Hearing Reopened

Mike DiFrancesco, engineer for New England Country Club would like to update Board. He would like permission to circulate construction plans to other town agencies and to Amory Engineers, the town's drainage consultants for their review. He has brought two sets of new drainage computations, one set of which he will leave for the record.

EM questions if these are new plans and new drainage reports. He questions if they would like the old ones back.

M. DiFrancesco will take them back.

P. Herr states Board should have a copy of each version. He does not understand why applicant would want them back.

M. DiFrancesco states he would take them back because the Board offered. He indicates their plan is to come in with a revised definitive plan for the November 17, 1988 hearing.

EM questions when it will be submitted.

M. DiFrancesco indicates it will be submitted at the November 17 meeting. The plans which he brought in represent 2/3 of the drawings for the November 17 submission. The land plans which show the survey information are not on these plans. These plans have all the typographic plan of the profile information which is sufficient for review by the town departments and consultants since it is part of the



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drainage report. Mr. Amory requests a head start to get into the drainage review. He requests permission to submit the plans to Mr. Amory so he can start his review.

EM is not sure of the procedure since they usually go through the Town Administrator.

EN states the Conservation Commission should receive a copy of the plans also.

EM questions if there is a problem with allowing the applicant to deal directly with Amory.

P. Herr states it is not the usual procedure but it is the better route.

EM questions if they can rely on applicant to get the information to Amory.

1. DiFrancesco states he will hand carry it.

P. Herr indicates he really does not need the drainage calculations if Amory is going to review them. Amory will need authorization to review and proceed since it is a substantial piece of work.

M. DiFrancesco states they had a meeting with Amory two weeks ago and with the Conservation Commission consultant to review the wetland. They did hear from Denis Fraine to proceed.

EN questions if they will distribute new plans to the various boards in town.

JM questions what they hope to accomplish since it is not a complete set.

M. DiFrancesco states they are only missing the land plan relative to the official survey information for the lots. The construction plans are complete.

P. Herr questions if the construction drawings indicate where the lots are.

M. DiFrancesco states they do.

P. Herr states all the information is there. It is just a matter of format.

JM questions what will be on the other sheets.



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P. Herr indicates they will have the lot line drawings.

M. DiFrancesco states they have one drawing with bearings and distances and lot lines shown but no survey information. All utilities and sewer information is there.

P. Herr states these are things which the other town agencies need to review.

EM states he has correspondence from Susan Ouellette from the applicant's office to Denis Fraine relative to above.

M. DiFrancesco indicates the Conservation Commission has hired Sanford Ecological Service as their consultant. They will review the notice of intent.

EN states according to the bylaws, departments which need plans include the Planning Board, Water Department, Fire Chief, Safety Officer and the Conservation Commission.

M. DiFrancesco will send the plans directly to the Conservation Commission.

EN states the other Boards need plans since they give recommendations to the Planning Board.

EM states they are submitting volumes 1 and 2. They are at risk if the plans do not get distributed. The Board is relying on New England Country Club to distribute plans.

Spring Hill Estates

M. DiFrancesco states it is part of New England Country Club's presentation to discuss the revision relative to Spring Hill Estates.

EM questions if they will discuss the preliminary plan on Spring Hill Estates and its relationship to New England Country Club as a means of egress. He questioned if Mr. DiFrancesco was authorized to speak on Mr. Dalpe's behalf. //

M. DiFrancesco indicates that he is.

P. Herr indicates he was just handed information from Amory Engineers. He questions what the use of flood levels in the wetlands means.

M. DiFrancesco indicates the wetlands are used as temporary detention.



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P. Herr questions if the Conservation Commission and Sanford Ecological Service are aware of that and if they feel it is consistent with the Wetlands Act. He states it is at substantial cost. The Conservation Commission, Sanford and Ash Associates think they can store excess storm water in the wetlands.

EN questions if this is temporary.

P. Herr states it always is, but indicates this is a large matter to consider.

M. DiFrancesco is aware they have to prove there will be no detrimental affect on the wetlands because flooding is for a short enough period.

P. Herr states in some instances the catch basins will not be piped through the manholes but will be piped in separate catch basins. He states they have authorized that in the past.

M questions if they should require a waiver.

EN questions what they are doing to eliminate the manhole.

M. DiFrancesco states it will be catch basin to catch basin. The requirements states they should have a manhole between them but according to Amory's comments there would be too many pipes.

EM questions how they could have too many pipes. He does not understand the reasoning behind this other than to save applicant money.

P. Herr states it would not make sense to go from catch basin to the middle of the road to another catch basin. Mr. Andrew of Sanford Ecological noted there might be a problem with the use of wetlands for retention of flood storage if the type of use alters the wetlands. DEQE has serious reservations relative to the use of wetlands and flood potential. He notes they are proceeding on the presumption that the findings will be favorable.

EN questions what the alternate plan would be if this does not work out.

M. DiFrancesco states they will have more detention in the wetlands which would alter drainage.

P. Herr states it will alter more than that.

EM questions the relationship between Dalpe subdivision and Spring Hill



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Estates.

M. DiFrancesco indicates the revised plans including the revised drainage plans show a new second means of egress.

EM states Board can not really close or continue hearing because it is related as a second means of egress.

M. DiFrancesco states he is submitting the preliminary subdivision plans on behalf of the property owners.

EM states the subdivision is only a preliminary plan but they want to discuss it as a second means of egress.

JM states questions if it has been continued for two separate dates.

EM states hearing has not been continued. Applicants asked to have it continued but Board has not moved or acted on it yet.

EN does not believe Board can run both at the same time. He suggests running this one later since people have not been notified as to the issue of having a second means of egress. It calls for a change in plans.

EM states it is part of the hearing but it has not been approved.

P. Herr states it is not part of the issue.

M. DiFrancesco asks if they can submit the definitive package at the November 17 hearing.

EM states they can submit it on November 8 or November 17 meetings but the Board will not open them up. Continuance for New England Country Club is scheduled for December 15 at 8:00 p.m.

EN makes motion to continue hearing until December 15 at 8:00 p.m. JM seconds motion but would rather adjust time to 8:30 p.m. in order to get the smaller matters taken care of first. Unanimous vote to continue hearing to 8:30 p.m.

EM questions if they are submitting the preliminary plans on Spring Hill.

M. DiFrancesco states they are submitting the preliminary plan tonite for discussion. The plan is essential to continuance of New England Country Club.

EM states they can submit the plan now and discuss it at the December



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15 meeting.

M. DiFrancesco states he tried to deliver plan to the Town Clerk in September but she said it had to come to the Planning Board first.

EM states it has to be stamped by the Board first. Preliminary discussion on Spring Hill Subdivision being used as an second means of egress is also continued to December 15.

M. DiFrancesco states he is submitting six copies of plans which have to be distributed along with a transmittal letter.

EN suggests he deliver them to Highway, Water, Fire, Police, Conservation Commission and Safety Officer when he delivers the other plans to them.

Site Plan Review for Lot 12 Staples Form Company, Williams Way

EM reads letter regarding site plan review. Four points brought out in letter include ability to provide parking spaces required by zoning, special permit for additional parking spaces meets or exceeds use of property, upon sale or change of use, parking spaces meet zoning, full support of plan and grant special permit.

EM states that letter has no bearing on tonite's meeting. They need a special permit for reduced parking. They have to apply for a special permit, advertise in the newspaper and have a public hearing. The site plan review does not require a public hearing. This means they have a lot which Board must review to ensure it meets its rules and regulations. EM suggests they bring letter back when they have a hearing on reduced parking.

P. Herr suggests they keep letter because it has other information as well. The Conservation Commission thinks there is enough room to accomodate on site all the parking needed without encroaching on the wetlands. That is an issue which is applicable tonight.

? states the plan they are submitting has been updated according to the Conservation Commission's comments. When the building is fully developed a garage area will be extended into this area. They will have the same number of parking spaces, i.e. 7 and the same amount of impervious surface. It will be located on 6.5 acres located at the corner of William Way and 140. It is a large site which is set back in the woods. He introduces Mr. Al Staples, owner of Staples Form Company, a concrete form company. The building will be used as a vehicle storage building for form trucks. It will have practically no use during the day. They will be parking the trucks there at night.



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The building will also house the office and toilet facility. The lot is zoned industrial. The lot area required by zoning is 25,000 square feet. They have 283,000 square feet. The required front yard is 20 feet; they are set back 300 feet. The requirements for the side yard are 10 feet: they have 45 feet at the narrowest point and access beyond that; they have 20 feet in the rear yard.

EM questions if there is a zone change there.

P. Herr questions which zoning district the rear yard abutt's.

? states it abutts the town of Mendon. The zoning is residential.

P. Herr argues that the law does not stipulate they can not abutt a residential district only in Bellingham. The town can not be less concerned about Mendon residents than with Bellingham residents.

? states it is a Bellingham lot. Therefore, Bellingham zoning laws should apply.

P. Herr states Mendon zoning laws state 200 feet deep by 40 feet. Industrial buildings can not be close to residential land.

EM states they would have to move the building forward 80 feet.

P. Herr points out that would not work on that site.

? states the lot would be rendered unbuildable.

EM states that is probably why the lot was still vacant. Two other buildings are already in violation.

? states the Board has no control over zoning in Mendon.

P. Herr states they can not control zoning in Mendon but can control what happens in Bellingham in relation to Mendon.

EM states he will check this out with Town Counsel.

P. Herr points out the laws says the rear yard must be 100 feet when it abutts a residential zone.

? states he is not questioning that Mendon is zoned residential.

GG states there is another question as to whether or not the property line is in the town line. He assumes it is.

? responds that he does not know. The wall could be the borderline.



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EM states they would have to know for sure, but they will not gain 80 feet.

P. Herr states he can not tell the difference between existing the proposed vegetation.

? states there is no proposed vegetation on the plans at this time. All existing vegetation will remain on the site. The rest of the site is naturally open.

P. Herr indicates he did not see ground front plans and elevations.

? states they were submitted last week. The building is a one story metal building.

P. Herr questions size of the parking space in the front of the road.

? states it is a 25 foot space.

P. Herr questions what the dark line on plans is.

? states it is the edge of the building. They could make it 24 feet because of the door.

P. Herr states he is referring to the access door.

? points out the access door does not really get used. Applicants would pull out the overhead door and drive out.

P. Herr questions the area of the building.

? states it is 1,000 square feet.

P. Herr questions the total amount of impervious surface.

? states it is 23,425.

P. Herr indicates they show 30 parking spaces but do not want to build 30.

? states that is correct. Mr. Staples can demonstrate because the building is for over night storage, no sign is required or anticipated.

P. Herr assumes they are proposing to pave the road.



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? points out it is currently a gravel drive. He assumes the Board will require pavement.

P. Herr states there is nothing at the edge of the road. He questions if the drainage system storm water will run off the edge.

? states it will actually flow down to the low point in the long run.

P. Herr questions if it will fall off the edge continually on both sides and then fall off the pavement.

EM questions if the Conservation Commission is aware that there is no collection of water.

P. Herr states it is the low point of the road but not the low point of the shoulders. He is concerned with water running up the hill on the side of the pavement. Water will run to the back of the hill to the low point. It can not go from one point to another because the road is crowned.

EM states if the building does not fit, there is no point in going any further.

P. Herr points out he can not determine if a puddle would be created from the drawings.

? states they can modify the plans.

P. Herr states he is sure the problem is solvable, but can not tell if it is solved. Because the driveway is not a road, they will get some of the wash out from the road.

EN states they get wash out now.

EM questions if they would have to go for a variance relative to the other issue.

P. Herr states it will take time to get relief from that requirement.

? questions why it would require a certain amount of time but not a public hearing.

P. Herr states the Board does not make decision on this issue. They just recommend to the building inspector. They should recommend that they can not approve the site plan review because the rear yard requirement is not met since it abutts a residential district. He indicates that the building inspector may not agree with that. If there is doubt, he may go to Town Counsel for his comments. The issue



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of drainage is on the side.

? states they can not pitch it because the existing roadway is coming in.

EN questions if there is a chance it might be changed.

EM states it is a single lot with single use. There is no way it can be subdivided.

EN states it may have to be paved.

EM points out it will be never be a street.

P. Herr indicates no water will drain off the site to Williams Way. It will drain onto his own property which is adequate for a driveway.

EM is in agreement. In order to approve the site plan review, they must obtain a variance relative to the rear set back.

P. Herr states they should just send it to the building inspector stating that it should not be approved. There is no reason for the Board to hear back relative to this issue.

? states they will be back before the Board anyway with the site plan for the parking spaces. He questions if they can get a building permit if they receive the variance.

P. Herr indicates they can.

? states they would like to keep the application on the special permit active.

EM indicates they show the required number of parking spaces provided the rear set back issue is addressed. After the building is up and before occupancy permit is obtained, they can put in the parking spaces or special permit saying they do not have to put them in.

JM questions number of trucks.

? states there will be 6 bays and 4 trucks.

JM questions how many men will be going out of the trucks.

? indicates there will usually be one or two. They do not use 6 trucks everyday. It depends on what they are doing.

EM indicates the Board can not go any further on this issue. Applicant



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brought in 5 plans. EM kept 2 and gave one to P. Herr. EM gave P. Herr set on DMKS. EM explains the procedure for applying for a special permit, submitting the abutters list and setting a hearing date. The parking issue can be done any time.

GG suggests applicant speak with building inspector who will make decision if they can go before the Zoning Board of Appeals.

Nuisel Estates Continued Public Hearing

EM states they are continuing the public hearing on Nuisel Estates. He requests Mr. Lord bring Board up to date on what has transpired.

Mr. Lord states they have been delayed due to various details. He refers to September 15 letter which P. Herr wrote to the Board relative to the following situations: taken out; proposed drainage facilities are now shown; drawing now shows 23 foot caustic way; changed pavement; water storage - no concern. They put in a 2,000 holding area to reduce the necessity of cleaning the area and access holding the area. It is a better system to clean and maintain over the long term. They have provided the Board with drainage studies and numbers relative to the 25 year storm and an added septic system. They are testing the location of the leaking galley noted on the plan. The storm water adds 13 feet. The street pavement is 23 feet.

? indicates concern about the affect water in the area will have relative to the manhole in Franklin which does not work.

Mr. Lord indicates they are not changing the drainage, just improving it a little. The intersection of A and Prospect Street shows they have added a leaching galley to the profile sheet. Drainage areas show 3.3.

EM wants to confirm there are 2 single family lots, no duplexes.

Mr. Lord states there are no duplexes. The largest lot is 117,000 feet. It is agriculturally zoned.

P. Herr did not understand the drainage calculations. Settling tank provides reasonable system regarding maintenance. Questions how far down the galleys are.

? states he only has depth of manhole to top of the galleys.

EM reads August 16 letter from the Fire Chief.

P. Herr states 2,000 gallons of water is enough.



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EM states they have to show proof a well is put in because there is no town water.

? states information was given at the last meeting. The average is 14.5 gallons per minute.

EN questions where the well is located and how they can prove the adequacy of the water to fight fire.

P. Herr states there are 2 issues: potable water of 14 gallons a minute is more than adequate and fire protection.

Robert Collin, surveyor reviews plans.

P. Herr does not see why they would not have adequate coverage.

EN questions if the road will be maintained by the town.

EM states it is a private road.

P. Herr states it is private only until it is accepted by the town.

? states the property owner will maintain it.

EN points out it will be expensive to clean out if it gets clogged.

P. Herr indicates it is really a paved common drive. He questions how it stands in Franklin.

Mr. Lord states it is simply an 81-P. They have not submitted it yet. They want to get approval on one before submitting it to Franklin so they will not have two town Boards making changes.

P. Herr indicates they have to obtain plan approval under the subdivision control law. He believes it is a subdivision.

Mr. Lord indicates there is a question in Franklin as to whether or not it is a subdivision.

P. Herr does not believe Board can proceed until they obtain Franklin approval.

EM questions if they are referring to the triangle taken off the other lot.

P. Herr indicates they are talking about creating a right of way. The issue is opening up the road in Franklin at a questionable point.



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Mr. Lord states the lot is not buildable without the services of Franklin whether it is an B1-P or a subdivision.

EM states it may be better to continue this issue to the next hearing to allow applicant the opportunity to get the issues in Franklin straightened out first.

P. Herr states that Franklin is going to tell them to get Bellingham's approval first.

EM questions if there is any reason to keep the hearing open or if they can close it.

Fred Mullen, resident states he is directly beside the lot. He is concerned about the safety and drainage issue. There have been 6 accidents in his front yard in four years by people trying to negotiate that corner. He had a severe problem with drainage last year. Excessive ground water forced him to continually pump his septic tank. He is concerned about the subsurface water and where it goes. He is also concerned that residents who would be responsible for maintaining the drainage might make his leach field unworkable.

EM questions if Mr. Mullen's leach field is in the front of his house and if the house is down hill from the leach field.

Mr. Mullen indicates his leach field is about equal but his land slopes out.

EM indicates those houses were put in without Planning Board approval because it was not a subdivision.

Mr. Lord states the land slopes away from his property.

Mr. Mullen states he is concerned if the town of Franklin fixes the clogged drain, his property will be damaged. He wants to ensure the appropriate stipulations on plan will be what is built.

EM states they can not get occupancy permits until the property is built and in the right place.

? states they plan to get the driveway approved by the Planning Board on B1-P.

EM states he never saw an B1-P with a house or driveway on it.

? states the plan used for the drawings was a 1935 plan which showed a county road which was never done. The plan was never revised,



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unrecorded.

P. Herr indicates he sees a 20 foot sloping easement on Mr. Mullen's lot which was granted.

Mr. Mullen indicates the slope easement was done a couple of days before his closing. He did not have much choice.

EM questions what they mean by a slope easement.

P. Herr explains it allows the owner of other lot to shape the land.

? states it allows them to change the slope for purposes of zoning.

EN states they should get road approval in Franklin. It does not meet the Board's requirements with the entrance in Franklin.

EM states right now the plan meets the Board's rules and regulations.

P. Herr states it is not a clear call. The issue is they told Bellingham they had sight distance. They agree it is a bad corner. He is concerned about vehicles coming east turning left into the road because they have no sight distance at all. It is a very bad location for a road. The Board's rules say they should not create a hazard. It is a judgment call. If it was one lot, they would not be able to say anything about it, but it is two.

EM states that everyone agrees it is a terrible intersection and curve. They have to weigh if traffic from two homes is going to increase it. With more cars, there is a greater chance of more accidents.

? points out they would have no control over the situation if there was only one lot. Because there are two lots, the Board has the ability to manage the problem.

EM questions if it will become one lot if they disapprove the plan.

? questions what traffic would be like with 20 to 30 units on the lot.

P. Herr does not think there would be 20 to 30 units on the property. They could obtain an easement relative to the land across the street to improve visibility. Also, the applicant could reconstruct Prospect Street to change the vertical alignment.

EM questions if the lots are all owned together.



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Mr. Lord states it is a 3 lot subdivision.

EM questions if there is an alternate scheme if a house is moved and a road put in.

? states that was tendered as possible.

Mr. Lord explains the more expenses incurred, puts more strain on the developer to put in more houses to recover costs. They are not using affordable housing as leverage. They are attempting to find a use for the property.

EN states they should donate it to the town as open or closed space.

EM states the Board can approve a lousy intersection and hope no one gets hurt or disapprove and let applicants appeal.

P. Herr states they could approve with the condition they obtain a sight easement. The town of Franklin could cut the brush or anything blocking vision.

? states it is probably not a road with a wide easement. Franklin probably controls no more than the pavement.

JM makes motion to close the hearing.

EM questions how they can approve with a condition which the Board can not enforce in Franklin. He questions if Board has to act if they close the hearing. If they close the hearing, they will not find out what happened in Franklin. The extension runs out November 20.

EN questions if JM will make a motion to rescind his motion to close the hearing.

JM does not want the hearing reopened, but he will withdraw his motion to close the hearing. GG seconds. Unanimous vote.

EM makes a motion to reopen the hearing.

Mr. Lord states they can give an answer as to what is going on by the first week of December.

EM indicates that the next meeting is December 8.

JM makes a motion to continue the hearing to 8:30 p.m. on December 8, 1988.

EN seconds the motion. Unanimous motion to accept the extension.



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? has the extension form which he will fill out.

EM states they will get a decision within one to two weeks after the hearing, but it could be approved earlier. EM requests a motion to grant an extension on Nuisel Estates to January 31, 1989.

GG makes a motion. JM seconds motion. Unanimous approval.

Crestview Commons Update

? states he has been retained to assist with the technical issues. The two issues include soil testing and the septic system. The septic system has been resolved to the Board of Health's satisfaction. They designed a new septic system.

EN questions what they did with the septic system since they struck ledge.

? states they relocated the proposed septic system and left the ledge where it was.

? indicates the Board of Health required all septic systems to be retested and redesigned because of the ledge. Three buildings passed the tests but they hit ledge with two systems.

EM questions what has to be done.

? states they would like to remove additional trees. They did a tree count of 65 trees of 4" or larger. Thirty trees will remain on the site.

P. Herr went to the site and indicates it is wooded.

EM questions if this would clear up the problem of building 2.

? states they are putting in a cedar fence along with additional trees and a buffer.

? states they submitted revised plans to Ed Wirtanen for his comments. He indicates in his letter, there is no reason why they can not make the revisions.

EM reads letter dated October 27, 1988 regarding Crestview Commons Condominiums update as it relates to the Board of Health from Ed Wirtanen.

EM questions if applicants want approval to cut the trees.



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P. Herr states that would be a modification of the site which would not require a special permit.

GG points out since the buildings are up and the Board of Health sees no problem, there is nothing wrong with having them cut the trees.

EM questions how it will be contained, with closer retention and a larger leaching system.

? indicates there are well over 100 feet with a slow percolation rate.

EM questions if they will have to cut more trees.

? states they will have to dig up more trees and move them to another location on the site.

EM questions how they will keep the leach field from bleeding.

P. Herr would like to hear the future of the retention.

? states they are far enough away.

EM points out the concern is can it get in there.

? states it is not going to run down to the surface area.

EM states the water table is not where the plan said it was.

? indicates there was a 1 to 2 foot difference. Ground water will not affect the question about subsurface.

? indicates they are concerned about subsurface as well. They could do a series of observation holes to determine if the leaching is purified by the time it gets to the pond.

EM questions if that was brought up with the Board of Health.

? states the Board of Health's regulations are strict. This issue goes beyond that.

P. Herr does not think the nitrates get filtered out by the soil. He is concerned over what will become of the pond if it is over nutrified by waste.

EN questions if they are using wetlands as a detention pond or detention pond as a detention pond.



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? states there have been 3 tests done on the site which are on record with the Board of Health relative to the water table operation.

? points out the Massachusetts DEQE states a septic system can be built within 50 feet of a pond or wetland. The problem last winter was because it was washed out. They will evaluate the drainage system and make recommendations on what can be done. He would like to hear the Board's concerns.

EM states the problem is the retention pond does not work. The water runs out of it into someone else's yard. It does not meet the 10% requirement. The bylaw states they can not increase the water run-off going into someone else's property more than 10%. At the on-site meeting, the second time it broke, he was told it was designed or built wrong.

? reviewed the drainage calculations which showed the pond would have no run-off. At the time those calculations were done, the engineer did not have access to the software which he could have used to properly design and size the pond. The pond fills during a storm and empties slowly during several hours afterward.

EM questions where it empties to.

? indicates the pond has no exit right now.

EM states the pond needs an exit to make it work. He questions if they need an easement.

? states they will not need a easement. They will solve the problem with an outfall structure by putting in a catch basin with a grate on the top and an exit pipe.

EM questions if they will stay away from the wetlands.

? states they do not have to stay away from the wetlands, just ensure there will be no permanent damage. The computer will tell them how big the slot should be to hold back water. It will be sized to model the same amount of water that ran off the site before the project was built.

EN questions if it will be like a distribution box.

? indicates it is like a metering device. It is sized to handle a storm that would last 1 1/2 hours or 50,000 cubic feet. If the storm lasts longer, it goes over the top and erodes.

EM questions if they are saying the calculations are wrong.



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? states they did not have the same resources at the time the calculations were done.

P. Herr asks if they can provide assurances it will be done right. He questions if they will have a larger basin.

? states the basin may have to be larger. They have not completed the analysis.

P. Herr questions if the pipes were in place when it failed.

? states the pipes were not in place.

P. Herr believes a lake was created by the exalating ground water table.

? points out they will slope the exit which will remain empty except during a storm.

P. Herr questions if they will lower the water tables.

? indicates right now it is 4 feet. He does not know what it was before.

EM states they may have to make the retention pond bigger to make it work which would mean they would have to cut more trees. In order to get approval for the plan, they had to convince Board they would provide better use of the land and disturb less of the natural environment than single family homes.

? states they will try not to disturb anything else.

? states the stoned area is perfectly flat. It will be spread out to channel flow to low channel flow to no flow. There will be no dam to the abutters.

EM states the property on the other side is still below.

P. Herr indicates they must provide equivalent conditions for the people on the other side.

? states a new subdivision with new homes abutts the property. There is a large woodland area and pockets of wetlands.

P. Herr states it is vacant land.

EM points out the Board must think of it as being buildable even though



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it may not have access. There is no solution to a retention pond which is not functioning and a drainage system which failed because they are all interrelated.

? indicates that is why they hired experts in the field who will take aggressive action to address the issue.

EM states they can not approve cutting more trees and make a change to the site plan when they do not know if the drainage system will work.

? states construction was stopped in April.

? points out a roof was put on building 5 last week.

EM questions what health and safety problem was since it is not a private entity and not open to the public. Board did not believe any further impervious coverage should have been done before the drainage was corrected. Applicants requested authorization to frame a foundation but Board did not agree to putting a roof on. EM feels they went behind the Planning Board to obtain approval from the Building Inspector.

? indicates the building inspector has the legal authority to allow the company to go forward and roof the building to prevent health and safety hazards.

? states three months had gone by and the building was an exposed area. They felt uncomfortable having people working in there. They did not mean to leave the Board out.

EM points out 7 months have passed because they did not do anything to correct the problem. They just hired the experts recently. It is not the Planning Board's fault if anything gets ruined.

? states it took almost three months to resolve the septic system problems. Their intent is to plant trees elsewhere on the site to retain the same amount of vegetation. They would like the Planning Board to follow the Board of Health's recommendation and allow them to change the septic system by allowing them to clear trees which will be retained in other areas.

EM states the Board does not know that will take place.

? Herr states drainage problem may have to be resolved from the hill.

EM questions if they would end up with two retention ponds.



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P. Herr points out it is possible. He is concerned with going ahead with part of the plan until the issue is resolved.

? requests Board put them on the agenda for the next meeting so they can come in with a solution to the retention pond.

EM states the Board is not concerned with the septic system but they are concerned with the retention pond. He points out the company is taking a big risk by continuing to put money into construction prior to correcting this big problem.

P. Herr suggests they have Amory review the solution.

EM states Board would want a second opinion.

P. Herr states Board does not have funds to pay Amory or anyone else for a second opinion.

EM states on three other occasions when a second opinion was needed, the applicant payed because the town does not have a town engineer yet.

? will discuss that with the developer.

P. Herr suggests they also talk with Amory to see if they are available and the scale of costs.

EM states they would have to go through the Town Administrator and tell him they need a second opinion. He will make the arrangements with an outside consultant. If Amory is too busy, he will call someone else. They should call Chairman to set up hearing after speaking with the Town Administrator. EM is not in favor of any change because of a nonfunctioning retention area. They still have a stop work order in place.

P. Herr indicates it will take at least two weeks to solve the problem and then two weeks for the consultant to review the solution.

Em states the applicants can come in when they have a solution to set date.

Meeting adjourned.

(Note: Minutes transcribed from tape).