



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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GLENN E. GERRIOR, VICE CHAIRMAN
EMILE W. NIEDZWIADK
ANNE M. MORSE
JOHN P. MURRAY

MINUTES OF REGULAR MEETING

November 30, 1989

Meeting was called to order at 7:55 p.m. All members were present.
Board's consultant, Philip B. Herr was also present.

EM will wait to start the public hearing because of the bad weather to give people the opportunity to come.

Submissions:

B. Lord submits an 81-P for Pine Street. There is lot frontage in the front. They are extending the street lines to meet Pine St., thereby creating the 81-P lot.

EM questions where on Pine St. it is. What is the zoning?

B. Lord indicates it is suburban.

EM questions why an 81-P is needed since the lot is in an approved subdivision.

B. Lord responds the owner wants to sell.

JM states the owner could still build because there is frontage on Pine.

B. Lord states the owner will have an agreement with the buyer. As soon as they have frontage, they will deed back the corner on the completion lot. They must have the proper setback.

GG questions setback. What happens if the frontage is changed?

B. Lord responds it is at the developer's risk.

EM asks for a motion to sign the 81-P for Pine St.

GG makes a motion to sign the 81-P. JM seconds the motion. Vote of



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5.

Members sign plan. Clerk receives check payable to the Town of Bellingham for \$10.00.

EM asks Leo Mayewski if there is supposed to be a temporary cul-de-sac at the end of the street for his development, The Woodlands? He had to turn around on the hill. The cul-de-sac was supposed to be constructed and then taken out later on.

L. Mayewski talked with G. Daigle, Highway Dept., about it and there is no problem.

EM states he thought the cul-de-sac was supposed to be there now and then taken out later. It is not there. He questions if the sidewalk is in yet?

L. Mayewski states it is in on one side. It was extended farther.

RIVERVIEW PARK - PHASES 1, 2, AND 5 CONTINUED PUBLIC HEARINGS

AM removes herself from the discussion.

EM reopens the public hearing at 8:06 p.m.

B. Lord and J. McGlaughlin are present representing Howard Fafard for Riverview Park.

B. Lord states the 5 phases will be discussed tonight. He would like to discuss them as a whole.

EM states they can not discuss Phases 3 and 4 yet because they were advertised for 8:30 p.m.

B. Lord states the phases do overlap. Phase 1 is the area off Maple St., closest to Hartford Ave. Phase 2 is the area south of Maple Street, above 495. Phase 5 is the area west of the Charles River off High St. They propose an access road. Phase 5 will have another access road going up the Charles River.

JM suggest they use different colors to differentiate next time.

B. Lord states they will have a definitive answer from the Core at the next hearing date. The submittal relies on access to Maple Street. He has the individual plans here tonight which do access Maple St. If it



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is not approved by the Core, they will ask for access to Maple Street. Phase 2 has a double problem. They want to access from Hartford Ave. It goes across land which they do not own or control. They will ask for a cul-de-sac. Access will be to Maple St. south to 140. The bridge will eliminate the use of Maple St. to the north. It will not eliminate it to the south. They never defined the Planning Board decision regarding access to Maple St. They request Planning Board input.

EM states the Planning Board is not in favor of accessing Maple St. They are in favor of the other road.

B. Lord questions how the industrial land will ever be accessed if they do not get approved for the bridge. They can come in with 81-Ps to divide the industrial lots. Now they propose 2 temporary cul-de-sacs which would go out to Maple St.

EM states that Maple Street as it exists could not handle it.

B. Lord questions how the Board would want industrial land used if they will not allow access to Maple St. How can they plan if they do not get approval for access from the Core. Many residents sent in letters against access to Hartford Ave. The only other access is to Maple St. They are trying to provide access so they will not have a series of driveways. The temporary cul-de-sac with one series of access will be a better situation. For over 2 years Fafard has said he will pay the costs for improvements to Maple St. over and above the grants. Most of the roadway to Sommerville Lumber has already been developed with a previous grant. The roadway will not interfere with the residents of Maple St. front yards. It will be put on Fafard property. It is a question of what the Planning Board wants for the area. It has been zoned industrial for 20 years. Even if the bridge is allowed, they will still have access to Maple St.

P. Herr questions what happens if the Core refuses the Hartford Ave. bridge. This question should be answered shortly.

B. Lord questions if the Planning Board expects the developer to do all the work on his own. Should they show total reconstruction?

EM states they are waiting for the study regarding Maple Street.

JM indicates it is clear it needs to be done. He questions how it will affect the scenic road.

B. Lord responds there will not be much impact. There will be some



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impact to Maple St. because some areas are narrow. If the requirement is that Fafard has to redo all of Maple St., they will have to look at it another way. They are willing to work with the town.

EM states the Board will not know until they have the answer from the Core. They are waiting for the study.

JM questions if they are willing to improve the road.

B. Lord responds they are willing to pay over and above the grants. No plans are available for Maple St.

EM states the road would have to be improved if the development goes in. He would hate to see a bunch of 81-P lots. He would hate to see it come to that.

B. Lord questions if the Planning Board expects the developer to do all of the route.

JM questions what they propose.

B. Lord states this development has been before the Planning Board for the past two years. The plan is essentially unchanged. The process is coming to an end. Even if the Core approves the bridge, they do not control or own the land in between.

P. Herr questions the number of parties.

B. Lord responds there are 2.

EM questions why they would be against the road if they gain frontage.

J. McGlaughlin expects they would want to be in the roadway. It would improve the value of the land.

B. Lord states they can not make a proposal on that land because they do not own.

J. McGlaughlin states they can not tell more about Phase 1 until they get the decision from the Core.

EM believes it is unfair to ask the Planning Board what they can do if they do not get Core approval.

B. Lord states that Phase 1 is contingent on Core approval. That is not true for Phase 2. It will remain unchanged.



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JM points out that lesser companies come in with nicer plans than this.

P. Herr questions what they are doing now.

B. Lord states that Phase 2 is essentially unchanged. It comes out Maple St. to 495. They will have a temporary cul-de-sac. They would like guidance on what to do about Maple St.

EM states that right now the Board would vote no for Phase 2 because of traffic and safety concerns.

B. Lord states they are not pushing for a decision. They are asking what the Board expects from the developer. The only alternative is the 81-Ps. They all agree they do not want to do it that way.

JM questions how much frontage they have and how many 81-P lots they are talking about.

J. McGlaughlin responds there are 5 or 6.

EM states they could not start down there because there is swamp down there. It is not saleable or good.

B. Lord responds that it has access. They have to go through the process of the EIRs. They do not want to go through the expense until they know what to do.

EM questions why they would not start where it is possible to start.

J. McGlaughlin states they are waiting for the study.

P. Herr indicates he is behind in the study. If the study proves that it needs upgrading, they will need a full fledged engineering study. He presumes the Planning Board is supportive of the Maple St. improvements to Mechanic St.

EM states the other side of the street is Garelick land which is also industrial. They will have the plan for the next guy.

P. Herr states the developer has offered to defray the nonlocal costs for the street improvements. Folks who will benefit will share in the costs.

B. Lord states they are looking for a commitment from the Planning Board regarding the road improvements.



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P. Herr indicates it is not likely the Board will approve Phase 2 at this point.

B. Lord states that Maple St. will be improved prior to approvals. That will be a serious problem for the developer.

JM states that the Planning Board never said that.

P. Herr states it is inappropriate for the Planning Board to say that. The real issue is where the road will go to the north. It is not acceptable if industrial access relies on the northern end.

B. Lord states that 3 phases are dependent on items not related to others. It is proper for them to work out a proposal regarding Maple St. and submit it to the Planning Board and P. Herr. They will use it as an addendum to the subdivision plan.

EM questions why they should do all the work now. If they get the bridge, it will not apply.

B. Lord states it will still apply. They can submit the proposal with P. Herr's guidelines which can be used to develop the Maple St. improvements.

EM states that is the way it has to be since they are tied together.

B. Lord states this phase stands alone and is not dependent on the bridge.

P. Herr states that if the bridge is improved, the two property owners may want to get involved. The intervention of private property not owned by Fafard is probable.

B. Lord states they should not assume they can get together with the other people. They should not be made to comply with the others. They do have a road there. They propose the temporary cul-de-sac and improvements to Maple St.

EM points out that at this stage they would have to have the road.

JM questions who the other owners are. It is a matter of public record.

B. Lord states they do not want to bring that up because they are in negotiations.



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EM states they would have to have the bridge at this point. If Washington says no, they would have exhausted all alternatives.

J. McGlaughlin agrees. Until they know the answer, they would just be speculating. They are applying for grants. They need the study for Maple St.

P. Herr states it is not ready yet.

J. McGlaughlin states they will have a cul-de-sac for Phases 5 and 6 which will allow traffic to get off N. Maple St. This would make the property work and get them off Maple St.

EM states that Fafard and the Planning Board are waiting to hear from Washington and regarding the traffic study that P. Herr is doing. It is unfair to ask for the Board's opinion or a decision until they hear about those issues.

B. Lord feels the Board should start thinking about what they want to do.

EM states the Board wants to see them get approval for the High St. bridge and access to Hartford Ave. to 495. Maple St. should be done last.

B. Lord states that may not be possible.

EM indicates they should get the traffic out before they bring it in.

B. Lord points out that one problem is they have to submit the EIR under the Wetlands Protection Act for all phases. That is why they are pressing on where they are going.

EM feels that the town benefits by this being done all at once with one shot improvements.

B. Lord states that would be difficult with each phase approved on a separate note. They need approval all at once.

EM states that maybe they should not be called phases.

B. Lord indicates that the Board stated they wanted it that way. Phase 5 on the west side of the Charles River, North High Street is totally dependent on the Core decision and access to the property in between.



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EM states they should wait for the decision. He asks for audience questions.

Steve Racicot questions the possible 495 access off Maple St. The New England Core turned down the bridge proposal, so the applicant went to Washington. Did the applicant go to Washington about the 495 access?

EM states that Mr. Racicot is asking about the status of the interchange.

J. McGlaughlin states that Mr. Fafard did talk about that. B. Campbell, who is under contract to the town, will do an update of a study which was done 2 years ago. They will reimburse the town. This will be treated as an extension to the work for 126.

S. Racicot questions if the 495 access is possible.

J. McGlaughlin responds it is possible. A study will be started again in the spring for a license plate count. It is on hold now because of the holiday seasons. There are different traffic flows during the holiday season.

B. Lord states that 495 access is long range even if it did get approval. It would be a number of years.

Alec Danz, 63 S. Maple Street, agrees with the point brought up that Phases 1, 2 and 5 have to be looked at all together to ensure that the cohesive parking works. The major questions have to do with the bridge, study and 2 landowners. It is all up in the air for the impact to Phases 1, 2, and 5. There is no way the Planning Board can answer the applicant's questions with so many variables.

EM states that once the issues of the 2 property owners, bridge and study are resolved, people may be willing to talk.

A. Danz questions why they are sitting here tonight with so many maybes and ifs.

EM states the public hearing was continued since August 1989. They expected to hear something. They are going over the same things to make sure that everyone is aware.

B. Lord states they are trying to bring up issues which should be thought about now.

GG states this is really an update on the continuance.



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Karen Pelto, Charles River Watershed Association, states that last year the Secretary of the Office of Environmental Affairs commented and directed Fafard to look at alternatives and alternative land uses. They have not seen any alternatives. The Charles River Watershed Association wants to secure the local watershed for the local people. A premature subdivision plan was already disapproved by the process. The applicant should not count on the Core granting approval. The Core land was bought with federal funds for everyone for flood storage.

EM states the group is against the bridge and impact to the wetlands.

Karen Pelto reaffirms that the applicant should consider alternatives to the plan.

B. Lord states the Environmental Impact Report will be done. The Wetlands Protection Act is clear on environmental impacts. The Core indicated their concerns. This project probably will not impact the wetlands as much as they think. All the problems will be taken care of. It will be sent out in another EIR. They are trying to establish what is proper and the parameters. Zoning does not require alternative uses of the land site.

Karen Pelto is referring to alternative site design. She agrees that no decision should be made before they hear from the Core.

EM explains that the Board has to conduct the hearing. Otherwise the development would be automatically approved.

B. Lord states that no site design was ever submitted.

P. Herr states that is a point well taken. If the bridges are not there, they may have to look at alternative uses. It is premature to speculate until they know the decision. The fact that it is zoned industrial is not enough because the zoning changes.

EM questions what would happen if it was rezoned suburban.

P. Herr indicates it would be very complicated. If High St. and the Charles River bridge do not exist and Mr. DeVillars disapproves, they may look at residential use. All kinds of rights are locked in for 8 years.

EM questions who Mr. DeVillars is.

P. Herr responds he is the Secretary of Environmental Affairs. He is



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the person who signs off on the MEPA process. Ms. Pelto's point regarding alternative uses is well taken.

EM states this is a large parcel. He questions how many single family houses could be built as well as how many schools would be needed and fire protection.

Art Cola, 338 Maple Street, states the neighborhood fear is what happens if the what ifs do not work; the only access is Maple St. Everything boils down to Maple St. and Mechanic. That is everyone's fear.

EM states that is the Planning Board's fear as well.

B. Lord explains there are 400 acres in the development. Single family houses would create traffic problems also. Mr. Cola would still be concerned. The applicant wants to work with the neighbors. They want to provide as much protection as possible. They are using proper planning techniques. The land has been zoned industrial for 20 years. One of the biggest problems is that houses add to the deficit. Industrial helps it. They will not have a big building next to a house. It can be landscaped and the traffic can be controlled. Maple St. already has heavy traffic. A lot of it comes out of Rhode Island with people using it as a bypass road. More will occur in the future. Everyone will benefit by improving the road.

Leo Mayewski, 346 Maple St., assumes the Planning Board will require a traffic impact study for the entire development.

EM questions if P. Herr will do that in his study.

P. Herr indicates it will be grossly done but not completely.

L. Mayewski questions how they will determine what improvements need to be made without a traffic impact study. There are two scenarios. One is with the bridge crossing to 495 and the roadway to connect Phases 1 and 2 and the other is without those.

EM states the Planning Board can ask the applicant to do the study but can not require it.

L. Mayewski states that neither the Planning Board nor the residents can determine what the impacts will be without the report.

J. McGlaughlin states that is a point well taken.



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EM is worried most that the applicant will say they have frontage on Maple St. and will get a building permit from the Building Inspect. They could do that tomorrow.

L. Mayewski questions why the applicant does not do a complete traffic study upfront since they will have to do it for the EIR process.

J. McGlaughlin states they have already done 3 studies including the study with the draft EIR, interchange study and 126 improvements.

P. Herr indicates the applicant does not want to invest in the EIR studies until they get the answers regarding the bridge. It does not make sense to do so.

B. Lord states they do have an EIR.

EM reopens the public hearings regarding Phases 3 and 4 for Riverview Park.

B. Lord states that Phases 3 and 4 are on 2 sides of High Street and at Maple St. Phase 4 is south on High Street. Phase 3 is north on High Street. The problem is reconstruction of Maple St. is clear on these 2 phases. Access to Maple St. below 495 is a necessity. They suggested the Town Engineer look at it. The roadway for Maple St. was built on the edge of their property. The easements are on the east side. They are working with the Town Engineer to provide an easement to the west side of Maple St. so as not to affect the front yards of the neighbors.

EM asks if the easements are already there.

B. Lord responds that they are. 20 feet on the east side is town owned land. The applicant would be agreeable to having the easement on his side of the road instead. The front yards will not be destroyed by redoing Maple St.

EM questions when the easements were taken.

B. Lord states that Maple St. is 40' wide. The town/county took the easement in 1972 for the eventual reconstruction of Maple St. Access on Maple St. will require upgrading up to the 495 access.

EM questions if the applicant is offering to do all the upgrading to the undeveloped side of the street.

J. McGlaughlin responds that is correct.



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Don Martinez, 334 Maple St., questions the easement at the corner of High St. and Maple St.

B. Lord states that in a lot of the area the easement is on his side of the street.

D. Martinez questions how the houses will be affected past Dickson Field if they move the easement. The houses are on the right.

B. Lord believes the easement switches to the other side of the street.

Roberta Bouchard, 395 Maple St., questions where the easement is in front of the houses.

B. Lord guesses it is on the opposite side. He does not really know for sure.

P. Herr questions if B. Lord means an easement or a travelled way not centered in the right of way.

B. Lord means a travelled way not centered in the right of way. It is not an easement, people do not own the land.

Roberta Bouchard understands they are standing up and saying that people will not loose their front yards, but people are going to loose.

B. Lord states they will try to do as much as they can. Engineering may be able to help.

R. Bouchard is concerned because the water main is all over the whole road.

L. Mayewski states the excess is in the right of way on the west side where R. Bouchard's house is and on the east side where he lives.

JM questions if a reconstruction hearing process will be required since Maple St. is a scenic road.

L. Mayewski states it will be absolutely required. B. Lord is suggesting they will destroy one side of the scenic road by tearing down walls and trees.

EM questions if there is anything new on Phases 3 and 4.

B. Lord indicates there is not. They are waiting for a decision.



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S. Racicot, 51 Maple St., would like to see the applicant pursue vigorously the bridge and 495 access. He questions why they do not withdraw the application or close the hearing with the Board's denial and come back later with all the information.

B. Lord states that the 495 access is a long way down the road. It does not really affect this. The proposal of the bridge will come out of the hearings. They need the process to stay alive.

S. Racicot states that basically the plans have not changed.

EM states it would be fine if the applicant withdrew. However, if the Board closed the hearing and denied the application, they would have to give reasons for doing so. If the applicant came back with answers, they could get automatic approval. The reason they submitted early was to freeze the zoning and lock it in. The Board can not blame them for doing that. It is state law that the zoning is good for 8 years.

B. Lord states that if someone went to a Town Meeting to get approval for a petition to rezone, it would not affect this land.

L. Mayewski feels that nothing except the 495 interchange is a viable solution. The whole town generates 60,000 trips a day. This development will generate that much. It would double the volume. 495 is the viable solution. Each single family house generates 10 - 12 trips a day. 8 trips are generated by a condo. According to the EIR which the applicant submitted, 60,000 trips will be generated. That will double the volume.

B. Lord states that was an inflated figure.

P. Herr states that number was produced for the EIR. The applicant probably wanted it to be smaller. A lot of generated traffic is an important factor in gaining the 495 interchange.

B. Lord is not saying it is not important, but it will not occur in the next year or 2.

EM states they have to create the problem to get the solution.

J. McGlaughlin states the state and federal highway will review the proposed traffic generated to determine whether or not the interchange is needed.

EM questions if the government would let them build first before acting or if they just have to demonstrate a need.



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B. Lord states the approval process with the state and federal governments is a long term situation.

EM states that everyone wants to hear that the applicant is not letting up on the interchange.

S. Racicot questions if the Planning Board and town have written letters supporting the bridge.

EM indicates they have.

B. Lord states the town, not the developer, must apply for the interchange.

EN makes a motion to continue Riverview Park, Phases, 1, 2, and 5 as well as Phases 3 and 4 to February 22, 1990 at 8:00 p.m.

EM suggests they keep the discussions to one night. He asks if they will have an answer from Washington then.

B. Lord expects an answer relative to Phases 3 and 4 by then.

P. Herr will have the study completed then.

GG seconds motion to continue the February 22, 1990 at 8:00 p.m. Vote of 4.

DISCUSSION REGARDING GOLF COURSE IN FRANKLIN WITH ACCESS IN BELLINGHAM OFF MAPLE ST.

AM returns to the meeting.

EM states there is a golf course being developed in Franklin with the entrance and access in Bellingham. The Planning Board has the right to know what is being done.

EN states that Maple St. is a scenic road.

EM suggests they send a letter to the Tree Warden indicating that trees are being cut to put a road in there.

P. Herr indicates he is not the one who makes the determination. The bylaw is involved. The Board should not send a letter to the Tree Warden. It appears to be in violation of the scenic road requirements. The developer should come before the Planning Board pronto.



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EM states they want to hear from the developer asap. Copies of the letter should be sent to everyone.

P. Herr states they should cite Section 1220, compliance certificate, of the Zoning Bylaw. The development requires a permit because they are changing the principle use of the land. A certificate would have to be obtained from the Building Inspector.

EM indicates that the Building Inspector already told the developer he did not need a permit.

P. Herr states they should also cite Section 2140 which states that if a portion of the lot lies in Bellingham, it is considered as if the whole lot was in Bellingham. Therefore, the whole golf course must be considered in Bellingham. It is subject to Development Plan Review which comes under the criteria of Section 1421. They must have a Development Plan Review before the Building Inspector grants a building permit. They may want to stop the development immediately because of these violations.

EM will take care of it.

EM asks for a motion to accept the extension requested by Riverview Park, Phases 1, 2, 5 and 3 and 4 to March 30, 1990.

EN makes motion to accept extension to March 30, 1990, GG seconds motion. Vote of 4.

MAPLEBROOK COMMON

81-P SUBMISSION AND SITE PLAN DISCUSSION

EM removes himself from the discussion because he is an abutter.

GG, Vice-Chairman, will act as Chairman in EM's absence.

Thomas Real, R.B. Walden Group Inc., submits 81-P. After the last subdivision meeting, they attempted to keep things simple. The zoning uses address and resolve issues related to lots 1 - 4. It is advantageous to them that Old Blackstone St. be considered a town way. The Town Clerk did not give a satisfactory answer originally. After the last meeting they asked their engineers to review the situation. They went to the county records and got a sketch which indicates that Old Blackstone St. is a town street.

GG is confused.



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T. Real explains that they own frontage on Old Blackstone St. and since it is a town street, they should be able to do an 81-P. He presents drawing obtained from the county which shows the old layout for Mechanic St. in 1964.

GG states it shows Old Mechanic St. to Old Blackstone St.

Bruce Wait, DeFeo, Wait & Associates, states that Old Blackstone St. was diverted to new Blackstone Street. They have frontage on Blackstone and Old Blackstone. The definitive plans submitted before show 4 lots with existing units on Maplebrook Road and lots 5 and 6. The lots were never created.

JM questions why they can not revert back if they were not legally created.

T. Real explains it is because they were recorded and sold.

B. Wait states that lots 5 and 6 are made one parcel of 78 acres under the 81-P. They are going for a site plan review. They are proposing more units on Parcel A only.

P. Herr questions if that parcel is land owned by R.B. Walden.

T. Real responds that is correct.

P. Herr feels the Planning Board would be creating lots with no frontage. He questions if lot 4 has frontage.

B. Wait indicates it does not. They do not own the lots. They are divided and are not part of the parcel.

P. Herr does not think the lot lines exist. He does think they will come into being if the Planning Board endorses the plan.

Thomas Hardman, DeFeo, Wait & Associates, states the parcels were deeded to the individual owners prior to Planning Board approval.

P. Herr states the Planning Board would be doing a de facto subdivision.

T. Hardman states the lines are owned by R.B. Walden and deeded as a result. The deeds were deeded out since then.

GG states the lot relies on a roadway with frontage.



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B. Wait states they will come back before the Board at a later date for the road.

T. Hardman states this is not a subdivision. Every lot has frontage. It shows the parcel owned by R.b. Walden. They have no control over the abutters.

P. Herr states the Planning Board would be creating lot 4 by endorsing the plan. They would be creating the line which separates lot 4.

T. Hardman states the parcel is owned by Maplebrook 4 Condo Association.

P. Herr understands, but that does not mean this is not a subdivision. The chain of title is not right. It has not been done through the statutory required procedure. He questions why the engineers do not endorse the plan under 81-X.

T. Hardman states they could. The frontage on Blackstone St. is adequate.

P. Herr explains that under the subdivision law a surveyor can endorse the plan stating that no new lines have been created. It would be the same as if the Planning Board signed. The Planning Board has cold feet about signing. This would not impact the site plan.

EM states there are two lots for the 81-P, S. Maple and the other Blackstone.

T. Real indicates they do not own the other lot. He questions how they can make a representation for it. They have given the condo association all the engineering to solve the problem with the land zoning violation for land which R.B. Walden does not own. EM (from the audience) questions how they solved the same problem in Hopedale.

T. Real states they went back through the Zoning Board of Appeals to get variances. There are no zoning variances on this plan. The other people need the variances.

B. Wait points out that they are trying to remove themselves.

P. Herr states that Old Blackstone St. is fine but they would be creating subdivision lots which do not have frontage. He suggests the Board ask Town Counsel what to do. The Board has 3 weeks to act on it.



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B. Wait states they are asking for a better explanation.

T. Real states they attempted to reach Town Counsel regarding the plan.

EN makes a motion to send a letter to Town Counsel asking him to review the 81-P subdivision. The letter should ask for an opinion on whether they are creating a subdivision or approving 1 lot.

P. Herr states that Town Counsel can contact him or T. Real with questions. He questions if Town Counsel is up to speed on this.

T. Real states that he has received all information.

B. Wait states they can go 81-X on this.

Steve Kaye, attorney for R.B. Walden Group, Inc., indicates that if the Planning Board does not mind, he will contact Town Counsel directly to discuss this issue.

JM questions why they are reluctant to go 81-X.

EM asks what kind of earth removal they have in front of the treatment plant.

T. Real responds that is Mr. DePrado, not him.

AM states he is removing gravel.

P. Herr states he is not allowed to do that.

MAPLEBROOK SITE PLAN DISCUSSION

Bob Loverud, Design Science, submits a letter dated October 26, 1989, pertaining to the zoning bylaw Section 4420. They have eliminated to setback requirements where they would have needed variances before. At the last meeting the Planning Board had suggested they go to the ZBA to obtain variances, but now they will either 81-P or 81-X. They held open the modification special permit which was reviewed at the last meeting. Tonight they are asking for approval of the special permit as modified and approval of the site plan.

GG questions the special permit modification.

3. Loverud states it involves positive impacts to the special permit.



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P. Herr states it is not a question of approving the special permit. They must make sure the site plan is consistent with the special permit modifications.

B. Loverud presents a 100 scale drawing showing a looped road with a series of clusters coming off of it. They will have a system of trails and sidewalks on one side of the road which will bring people to the recreation center and gardens. They went over the parking issues and came up with a scheme of 2 1/2 spaces per unit. One car for each unit will have enclosed parking. They will also have 1.5 open spaces per unit.

EN questions if there will be more units than before.

B. Loverud responds there will be exactly the same number but they initially only had parking for 2 cars. The Planning Board was concerned about Friday night parties. GG also brought up a valid point about parking in one area.

JM went down there after the last meeting and there was enough parking.

P. Herr states the question is can they properly consider this site plan under the existing special permit.

B. Loverud brings out the old plan relative to the special permit.

GG states the new plan is better. It is more superlative than the old one.

P. Herr states the new plan is significantly different.

JM does not feel it looks significantly different. The new plan will have less impact on the abutters.

P. Herr suggests the Planning Board find the new plan consistent with the special permit.

EM questions if copies of the new site plan with a letter of explanation was sent to everyone on the certified list of abutters.

JM makes a motion that the plan is not significantly different from the special permit decision. AM seconds. Vote of 4.

P. Herr states they can proceed with the substance of the plan.

B. Loverud states that 40 scale drawings were submitted for the entire



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project.

P. Herr indicates that the last time they were here the drawings showed 2 parking spaces per unit.

B. Loverud states they have 2 plans, one showing 2 parking spaces and the new one showing 2.5 parking spaces.

P. Herr states the Board has not heard from anyone else regarding the reason to require 2.5 parking spaces. The Board may want to get responses.

JM does not think the Safety Officer sent in a response.

T. Real states the Safety Officer said the road existed but he does not know why it was there.

GG agrees with JM that parking is not an issue. The Safety Officer should review the signs.

EN questions if the Fire Chief responded.

T. Real met with him personally.

EN states the Board should hear from the Fire Chief and the Safety officer.

JM questions what they want to build now.

T. Real responds they would like to do the site work and foundations for 13 units by December 1989.

EM states the Board should send a memo to the town departments stating that the site plan was distributed and the Board would like comments.

P. Herr indicates the Board can call them up instead.

GG questions if there are other issues.

P. Herr states there have been clear improvements to the plan.

GG will call the various town departments and ask them to forward comments for the December 14, 1989 meeting.

P. Herr believes that he can just call them up and raise the right issues regarding parking for the Safety Officer.



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EM states GG should refer to the date of the plan.

GG will call and refer them to the plan delivered October 27 or 29, 1989. GG will call B. Loverud at 617-367-6100 if there are any questions. He states they can come back on December 14, 1989 at 7:45 p.m. The Board will review the site plan and the 81-P at the same time. He will call all the Boards and find out if there are any problems.

T. Real states that the parking in the center isle is different.

GG questions if the Safety Officer has the signage plan.

T. Real responds that he does.

EM returns to the meeting as Chairman.

EN makes a motion to accept the minutes of October 26, 1989. GG seconds the motion. Vote of 4 to accept.

P. Herr will send a memo regarding the active performance bonds. It is very confusing. The system is inadequate. The Board needs a better system of recordkeeping.

EM states that JM asked on behalf of someone that their bond be released.

P. Herr indicates the request must be in writing.

REVISED SUBDIVISION REGULATIONS

P. Herr states that Mr. Wirtanen, Mr. Megalli and Mr. Daigle all made comments to the revised subdivision regulations.

EM questions if the big issues were raised with the Town Engineer.

P. Herr states the issues are not so big. He can get copies of the revised version for the Board members. The Board may want to hold a public hearing in December 1989 or January 1990.

EN makes a motion to reschedule the public hearing regarding Shoppes at City Lights from December 28, 1989 at 8:00 p.m. to January 25, 1989 at 3:30 p.m. due to the holidays. GG seconds the motion. Vote of 5.

Clerk is instructed to check with Town Counsel on the proper way to



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reschedule the hearing, i.e. if it has to be advertised or if the abutters must be notified.

P. Herr discusses the traffic impact policy which he distributed back in July 1989. He thinks it should be adopted as part of the revised subdivision regulations. The Planning Board can vote on it to include in in the subdivision regulations. They can get Affordable Housing and the Zoning Board of Appeals to adopt it too.

EM asks for a motion to adopt the traffic policy.

P. Herr states they must review it and act on it first.

AM states they can act on it at the next meeting.

DISCUSSION REGARDING DEVELOPMENT PLAN REVIEW

B. Lord feels the Board should have the option to require more or less in particular circumstances.

P. Herr states there is the situation of lawlessness in the town.

JM states that it costs thousands for engineering. The small guy is hurt by that.

GG agrees with JM.

P. Herr indicates the reason for bringing the threshold down was to make sure that everyone would go through the process.

GG feels it is more bad than good.

P. Herr will speak with M. Megalli regarding the time he spends on Development Plan Review to try to work out a fee.

P. Herr indicates that the town meeting approved New England Country Club rezoning. The Planning Board wanted to take care of the scrapes. He will draft an article to do that.

DISCUSSION REGARDING LAKEVIEW ESTATES AND SHORES AT SILVER LAKE

P. Herr indicates the applicant needs the connection to Blackstone Street to work. They will be residential with condos and affordable housing.

EM instructs Clerk to prepare letter to the Highway Dept. regarding the



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Woodlands Subdivision, Pentad Realty, owned by Leo Mayewski. The letter should read that it has been brought to the Board's attention that the temporary cul-de-sac as required by the town's bylaw has not been constructed.

P. Herr states that Clerk should check the Form E1 to see when the timeframe for doing the cul-de-sac ran out, if it did.

EM states the applicant agreed to a street light at the cul-de-sac.

P. Herr indicates the Board should find out if the two years are up and if so the Highway Dept. should do an inspection.

EM instructs Clerk to prepare a letter to Leonard French, the developer of the Franklin Golf Course with access off Maple St. in Bellingham. The letter should cite the violations of Sections 1220, 2140 and 1421. The Board should recommend stopping work until these violations are taken care of. A copy of the letter should be sent to the Board of Selectmen and Town Counsel.


Mail/Correspondence.


Meeting adjourned at 11:45 p.m.


Edward T. Moore, Chairman

Glenn E. Gerrior, Vice-Chairman


Emile W. Niedzwiedz


Anne M. Morse


John P. Murray