



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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JOHN P. MURRAY  
ROLAND R. LAPRADE, ASSOCIATE MEMBER

## MINUTES OF REGULAR MEETING

July 26, 1990

Meeting was called to order at 7:50 p.m. GG, AM, EN and JM were present.

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

GG reads letter from Huna Rosenfeld, DAVNA Corporation, dated June 26, 1990 regarding Brook Estates. Mr. Rosenfeld did not think they had to request an extension of their special permit since the Board approved their design modification. If an extension is required, he requests one to July 1, 1991. He also indicated that the Brook Street culvert will be addressed when the site plan for Brook Estates is completed. Mr. Rosenfeld assures the Board that it will be taken care of.

David McCready, partner of Mr. Rosenfeld, agrees to do it first.

P. Herr indicates that they made use of the original special permit, so an extension is not necessary.

GG asks what is happening with Bellwood.

D. McCready responds they are working to pave what was requested. They are finishing the phase up now.

EN asks if the stock pile was taken care of for the dust problem.

D. McCready responds they are finishing the water pipe now and landscaping adjacent. They do not have the sewer so there are a limited number that they can do.

GG instructs Clerk to send a copy of Mr. Rosenfeld's letter to the people who had complained about the Brook Street culvert problem.

### Submissions:

*R. Bernard Biron*  
~~Arbense Byron~~, Attorney, is here representing the Bellingham Housing



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Authority, along with Bruno Santini, Chairman. They purchased 2 parcels.

AM indicates that she is an abutter. She asks if there would be any problem with her signing the 81-P.

B. Lord responds that she should not sign.

AM abstains because she is an abutter.

*B.* Byron explains they are proposing to buy lot 1 and 2 which they are negotiating for to build housing for the elderly. Perc test was approved. They have the Conservation Commission report. It is not a subdivision and does not require a public hearing.

GG questions what the L is on the plan.

*B.* Byron indicates that it must be a dirt road. They are trying to buy from Crooks.

P. Herr indicates the only question is whether this is a subdivision. Lot 1 has frontage. He questions what the triangle is near parcel 2.

AM responds it is the island part of Morse Realty.

GG states that parcel 2 does not have enough frontage. It is short 2 feet.

AM indicates that the parcel is zoned suburban and needs 150' of frontage.

*B.* Byron states they are buying all the way up.

GG explains that it is not a frontage lot. The frontage belongs to the Charles Whipple lot.

P. Herr states that it is zoned residential on the south side of the railroad. The northside is suburban. Parcel 2 is suburban.

AM indicates that 150' of frontage is needed.

P. Herr states they have 148'. The question is the frontage which the cemetery has. He thinks the Planning Board could endorse the plan with 148' of frontage even if 150' is required. However, he is not sure they could approve a division which leaves a piece with no frontage.



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GG indicates they would have to obtain ownership to Ellsworth Crooks property.

P. Herr explains that they must make it possible for people to get to the cemetery.

GG states that the cemetery is getting frontage from parcel 2. By selling parcel 2, the cemetery will have no frontage. Until the ownership question is cleared up, the Board can not sign.

P. Herr believes this is a nice site for what they want to do.

A. Byron indicates that there were 3 sites and the state approved this one.

GG indicates that the Board can not endorse the plan.

P. Herr states that the Board of Appeals can approve a variance but the real issue is how the people can get to the cemetery. This is only in regard to access to the cemetery. It can not be signed until Crook's problem is solved.

GG states that there should be a line on the plan denoting 2 ownerships. The boundary line and zoning should also be shown on the plan.

A. Byron indicates they are negotiating to buy Ellsworth Crook's property. If they do, they will deed it back to the cemetery.

## Somerville LUMBER COMPLAINT REGARDING BUFFER

GG explains that we are here to discuss resolving a complaint relative to the buffer. He reads letter from the Conservation Commission, dated June 26, 1990, which indicates that the maximum amount of alteration to the regulated resource areas had occurred. No further work will be allowed in regulated resource areas. This includes construction of visual or auditory attenuation structures, including plantings, in the wet meadow between Maple Street and the parking area at the front of the building. Any barrier construction or planting scheme that can occur outside of regulated resource areas are supported.

Lee Keller, Somerville Lumber, had a meeting with Bruce Lord and Mrs. Gaudet. The plans reflect what they were supposed to have done. He feels they are in compliance with the original special permit conditions. They are willing to plant additional trees on Mrs.



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Gaudet's property. They will build a small 3' high berm and plant 15 5 - 6' Hemlock trees to provide a visual and noise barrier. Howard Schlichting had conversations with the employees and they are trying to tone down the motorcycle noise and excessive speed noise. For the area in the front of the building near the Scott's resident, they will add an additional cluster of 7 - 8' high white pine trees. Near the retention wall on the side yard area, they will provide 20 7 - 8' Australian pines. Over a period of time, this will provide a barrier. At the 4th house, they will add vinyl slats to the fence to help to act as a noise buffer and barrier. They will do this to the fence closer to their operation rather than closer to the property. The fence is 8' high. The vinyl slats are better for noise and absorption. They will probably be an evergreen green color. This is what they are offering as a final solution. This is a \$10,000 - \$15,000 solution. They can not do this if someone is going to say it is not satisfactory later on.

AM asks if Mrs. Gaudet is satisfied.

Mrs. Gaudet states that she will be satisfied it is works. She asks if she can come back if it does not work.

AM indicates that she can not keep coming back. She is impressed with what they are proposing to do.

GG states the lot behind Mrs. Gaudet is industrial.

P. Herr states that Mrs. Gaudet's problem is noise attenuation. The problem is the houses' living spaces are above this operation.

L. Keller explains that Mrs. Gaudet's problem is more employee traffic. The Scott's problem is noise in the yard. All the houses sit high on Maple Street. The noise levels which exist are not in violation. It is intermittent noise. There is not excessive noise for the duration of the day. The prevailing wind condition carries the noise. Nothing can suppress the noise totally. Mrs. Gaudet is bordering the wetland meadow. There is nothing which can be done.

EN believes that someone could do a study on this.

L. Keller explains that would entail spending thousands of dollars.

J. Gaudet explains the problem is that the noise from Garelick Farms comes across and bounces across Somerville Lumber's building.

GG believes that the problem is that she is caught in between 2 industrial zones. He requests that Mr. Keller put their proposal in



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letter form and forward it to the Board.

AM questions how soon they will be doing the planting and slats.

L. Keller responds they will do the slats first and the rest by the fall.

GG states that Austrian pines should be planted in the spring/summer.

L. Keller indicates that the landscaper will own them for 1 year.

GG states that the trees need to establish themselves.

L. Keller states that in the worse case, they will plant the trees behind the fence by the spring. The fence is already 8' high. The trees will not be seen anyway.

## BEN FRANKLIN SAVINGS BANK ADDITION DEVELOPMENT PLAN REVIEW

Ken Swartz, banks's consultant, explains they are proposing to add 900 square feet, located in the area of the existing landscaping.

EN questions if they will be coming out to the parking area.

K. Swartz indicates they will not, just to the walkway.

AM questions the size of the existing building.

K. Swartz responds it is 2400 square feet.

AM questions the size of the existing parking.

K. Swartz responds there are 22 spaces.

AM questions if they will increase the parking.

K. Swartz explains they are requesting 16 spaces on total. They are proposing to leave the existing parking as is. They have a second submittal to do with the additional parking.

P. Herr states that the existing parking is enough for the proposal to add 900 square feet to the existing 2400. That is a total of 3200 square feet. There is no question about the number of spaces on the location.



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GG reads letter, dated July 17, 1990 from Ed Wirtanen, Board of Health, which states that information has been submitted and is being re-evaluated regarding the size, location and condition of the existing sewage disposal system at this property with regards to the proposed addition. There is no information on the plan as to the location and means of rubbish collection. The plan indicates the property is serviced by town water. GG also reads letter from Ed Wirtanen, dated July 16, 1990, to Thomas Waterfield, MacLeod Brothers, Inc., which states that the existing septic system was constructed for Texaco, Inc. and a Certificate of Compliance was issued for the constructed system in September 1966. The information found confirms that the existing septic system appears adequate for the proposed addition and small increase in staff. However, when the as-built information is plotted on plan by Arthur F. Borden & Associates, it appears that the leaching portion of the septic system is over the property line. The information also confirms that the septic system is less than ten feet from the foundation. GG points out that the letters refer to a plan with a different date.

K. Swartz explains that is because there are 2 submittals and 2 plans.

P. Herr asks if they will have the same septic system.

K. Swartz indicates that the septic system is on one plan. It was installed by Texaco in 1966 on the property line. He received the letter from the Board of Health relative to the septic system being over the property line 2 days ago.

AM asks if they are going to tie into the sewer. The sewer is going right by them.

JM states that if it is a pressure line, they can not tie into it.

P. Herr states that Ben Franklin will be able to tie in.

W. Arcand believes it is a gravity flow.

B. Lord states they will be bringing the gravity in. They are going down Mendon Street to Brook Estates. They will clearly be able to tie in.

K. Swartz does not think it will be a problem to tie in.

GG refers to the rubbish collection issue.

K. Swartz states that a maintenance company takes care of it. It is



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taken away daily.

GG states there is a problem with parking. Friday morning and afternoon, there is nowhere to park.

P. Herr indicates that the drawing satisfies the law. They have as much parking as the bylaw asks for. He did not get the drawings of the elevations or the floor plans. He looked across them tonight and they do not violate the height requirements. He questions the area of lighting. The drawing fixtures on the building are shining outward.

K. Swartz states they will leave the lighting on the site as is. They are not intending to increase the lighting at this time.

P. Herr indicates that the plan shows they are proposing to delete 2 lights.

K. Swartz states they are deleting to add to the addition.

P. Herr explains there is a problem if they are proposing lights on the building.

Greg Rosen, New England Security, consultant for bank, indicates that the ground lights shine upon the building. The wallpak off the building will be facing the building.

P. Herr indicates that is not shown on the plan. There are obvious traffic concerns.

G. Rosen indicates there is no problem with the Board requiring wallpaks.

GG states they should have dome down faced lights shining inward.

P. Herr could not figure out the lighting but other than that the plan is o'kay, given that building.

AM indicates that the septic issue is a civil matter between Ben Franklin and Almacs. It already exists.

P. Herr responds that the issue is between Ben Franklin and Almacs. It will not be an issue in a few weeks. It has nothing to do with this Board. They are showing the deeded right of way.

W. Arcand indicates that he spoke with someone from the Water/Sewer Commission. The sewerage is coming there. It is a gravity flow.



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K. Swartz explains they have entered into a leasing agreement with Almacs to get additional parking for use of the employees. This will free up parking in their lot. They are proposing an additional 12 parking spaces. He presents the leasing agreement with Almacs.

AM questions the term of the lease.

K. Swartz responds it will be 5 years with 5 year renewals.

Ken Osborn, President, Ben Franklin, explains they are adding the addition to enlarge the lobby.

P. Herr has not looked at this drawing. He questions what happens about the storm drainage. They are not changing anything.

G. Rosen indicates that both plans were submitted to M. Megalli for his review. He signed off on both.

GG reads letter from M. Megalli, Town Engineer, dated July 11, 1990 submitting copies of the site plan to the various town Boards. He states that a checklist review has been submitted to the Planning Board for the building addition which covered most items for development plan review except that the proposed additional parking is located on land owned by Almacs. An executed and well described easement should be presented to the Planning Board. The drainage of the proposed parking area is designed to dissipate over Almac's land outside the confine of the paved area.

K. Swartz presents a copy of the lease agreement.

G. Rosen explains that the lease agreement states that Almacs has accepted drainage and runoff on their property.

P. Herr does not see the reason why they need to have an easement. They must make sure they are not too close to the street. The drainage works. The Board should keep a copy of the lease agreement in the file.

EN makes a motion to approve the building addition and additional parking area for Ben Franklin Savings Banks. AM seconds motion. Vote of 4.

GG instructs Clerk to prepare a letter to the Building Inspector citing the development plan, dated June 18, 1990, shows adequate parking and adequate submissions for the proposed addition. The plan, with



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revision date of June 19, 1990 for additional parking area is also approved. The Board has on record a copy of the deed which Almacc has given relative to the drainage.

P. Herr questions what landscaping they are proposing around the parking lot.

GG indicates that since it is the center of town, the applicant will want it to look nice.

P. Herr states that between the parking lot and the street serves everyone's interest.

K. Osborn states that if it looks barren after the paving, they will add plants to keep it attractive.

EN questions if there is anything in the bylaw referring to this.

P. Herr does not believe so since this is a small parking lot. There are spaces for the end lot.

K. Swartz states the lot is intended for employees.

GG requests they send the Building Inspector a copy of the deed.

## SUBMISSIONS

Bruce Lord submits an 81-P for Ray Recore for a parcel located at the intersection of Pine Grove Ave. and Muron Street. Under state law, by definition this is not a subdivision. It divides any lot with buildings on it which were built prior to the institution of zoning. The buildings were all built in the 1930's. There is no question that was prior to zoning. This is a division of property which is outside of the subdivision regulations.

P. Herr indicates there are 2 questions. One is whether or not it is a subdivision and whether it complies with zoning. It is not a subdivision. He does not know if it complies with zoning. The Subdivision Control Law says that a pre-subdivision building is not a subdivision.

B. Lord brought a copy of the state law 81-L pertaining to this. It is not a subdivision because the buildings were already there.

EN questions if they are talking about this for resale purposes.



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B. Lord states that is absolutely the case. If the buildings were torn down, it would be a nonconforming lot.

JM questions where this parcel is.

B. Lord responds it is at Muron and Pine Grove.

EN indicates the only reason they are doing an B1-P is because it is going to be sold.

AM makes a motion to sign the B1-P. EN seconds motion. Vote of 4.

B. Lord presents another plan for an old plan from 1954 for the Bungee Brook Club. It was deeded with everything except 2 extensions. They are labeled as streets. They are going to the ZBA for a variance to convert to a duplex. It is not actually part of the property, but the streets, as shown on the plans. They are not defined as streets. He is asking the Board to send a letter to the ZBA stating that the streets are adequate for the planned use as a duplex only. He will attempt to purchase the right of way if they find the owner. They will be converting the present building into a duplex.

EN states that one road is higher than the other.

B. Lord indicates that is correct. There are 9 acres of land. Right to use is clearly defined in the deeds. The question is has the Planning Board defined the street for any particular purpose.

P. Herr indicates that it provides adequate access for the proposed use before the Subdivision Control Law.

B. Lord states they just want to build one duplex. Everything else in the area has been built. The person who owned this property is deceased. His will divided it into 7 lots, 3 of which are religious charities. In 1986 Bungee Brook was foreclosed. He represents Scott Rhodes who is purchasing the parcel to convert to a duplex. They can not subdivide until ownership of the 2 streets is determined. It is clearly stated in the deed. The owner has been paying all the taxes.

P. Herr believes the Board should look at this issue and take it up at the next meeting.

B. Lord is asking for an interpretation of Section C.

P. Herr states the Board should look at the property. B. Lord could bring in a draft letter of recommendation to the next meeting.



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RIVERVIEW PARK - PHASES III AND IV  
DEFINITIVE SUBDIVISIONS  
CONTINUED PUBLIC HEARINGS

AM excuses herself from the discussion.

GG opens the continued public hearing.

B. Lord, representing Ledgemere Condo Corporation, applicant, is here to discuss phases 3 and 4. Phase 3 is the area from 495 and High Street to Maple Street. Phase 4 is south of High Street and west of Maple Street, just above Somerville Lumber. They provided the environmental analysis. Phases 3 and 4 are completely together for the road. They are suggesting a roadway from Maple Street to High Street for Phase 3. Phase 4 will connect across the street to connect to Maple.

EN states there is a problem with High Street.

B. Lord states it is not a great roadway. Traffic may want to be maintained there. The town may want to consider High Street for through traffic.

EN questions the problem with the Army Core of Engineers.

B. Lord states they can access this to 140. There are no wetlands. High Street may be dead-ended. Truck traffic can not be allowed. The purpose is to direct traffic to 140 and out 495.

P. Herr met with the applicant's people one week after the last meeting when they went over the concerns relative to the revised drawings. There is a question relative to the environmental report. They concluded that additional information was needed. He questions if this report contains the additional information.

Janice Hannert, Fafard, responds that it does. They took the requirements for the Rules and Regulations regarding subdivisions and went through them. The subdivision regulations are clear on what is required for the environmental analysis.

B. Lord states that most of the material in the environmental analysis was submitted 2 years ago. The original environmental analysis encompassed the entire park.

P. Herr explains that this was originally conceived to be sewerred. Now



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he is not sure it will be. He questions the water quality. There is a drainage concern with the scheme to take all the storm pipe water resource district. Contingencies may arise which affect the water quality.

J. Hannert states they will have basins and put in sumps that will cover all areas 2' deep.

P. Herr indicates there will be on site disposal/sewerage and impact on ground water.

J. Hannert refers to Item G. of the environmental report.

P. Herr explains that the concern is that this is a large industrial area with exact proximity to identified water resource area which will affect residents and environment. This report says they will obey the law. Their conversation went beyond that. The sumps are not technically the right way to answer this. The sumps will cover 1/3 of the area and allow infiltration and settlement. He is not trying to get in the way of the development. A lot of people are concerned. They should move ahead carefully and document everything so the concerns are addressed. He refers to the issue of traffic. The B. Campbell study rests on a series of premises which are not obtained at this point. It relies on a scheme of 2 bridges. Phases 6, 3, and 4 are proposed for approval absent 1, 2, and 5. He is not sure the BSC study answers all questions regarding traffic. He is concerned about the affects of ground water quality and drainage scheme. Those are the two things that he wanted something written about. He is not looking for a 6 volume submittal. He just wants perfect good answers to these concerns. The issues regarding drawings and dimensions were taken care of. The issue regarding the clarity of the drawings is sufficiently clear for the Planning Board to make a determination they are in compliance. The drawings are hard to read. It is sufficiently clear for the Planning Board to determine what needs to be determined. They are down to a small amount of set questions. He has not spent real time on the environmental analysis report.

Stephen Racicot, 51 Maple Street, states that B. Lord mentioned the DEIR submittal was rejected by the state because it was too vague. They needed more information on the environmental impacts to air and water.

B. Lord indicates that was done at the time. MEPA came back with the review and said the ENF was not extensive enough. They wanted the report to go in the EIR. The EIR went beyond the bounds. They have to resubmit the ENF and then the EIR. The rejections of the EIR was



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not on the basis of content. It was on the basis that it was not included in the ENF. There are some indeterminates with regard to Phases 3 and 4 which are down to a minimum. They can not submit to MEPA for all the phases. They will eventually go to the Conservation Commission if they are in the wetland area.

F. Herr states that Mr. Racicot is noting that the applicant is offering the Planning Board a report which was rejected by the state.

S. Racicot is not saying whether or not it was accepted by MEPA. That is immaterial to this. He is just offering the information. The Planning Board asked for its own EIR relative to air pollution, noise pollution, water quality and traffic. He asks if they submitted a new report and the one which was denied by the state.

J. Hannert indicates the report has additional information and appendices.

S. Racicot asks if it is possible to get copies.

J. Hannert indicates it is possible.

S. Racicot asks if the report was filed with the state.

B. Lord indicates it was not.

S. Racicot asks if the report includes cumulative impacts of all 5 - 6 phases.

P. Herr does not recall the Planning Board asking for each study. They have the authority to ask for ground water quality. He looked at the earlier one. It was deficient and this one is still somewhat deficient.

GG believes it is a great idea to ask for the information but there is a question as to whether or not it is enforceable. B. Lord said he will do all that when they come in for building permits subject to Development Plan Review. It can be more sensibly done at that time. He questions how they can form a cumulative if they do not know what is going in.

P. Herr does not know that they can do that.

L. Mayewski states that there is a certain amount of allowance. They know they will build out. They can determine the generation rates. It can be done in limits. No one is asking them to identify each and



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every use. There is a certain mix.

B. Lord indicates they have to comply with the town bylaw. There is no way of knowing what will go on any parcel. They will build the road to make the proposed development so something can come in. They are trying to make the developer spend lots of money on reports before the property is developed. They have no idea what will go there. If expensive reports are wanted, that is like saying they do not want development to come into town.

L. Mayewski states that all traffic volume generated is based on certain land uses.

B. Lord states the traffic studies are all done.

P. Herr states that if Mr. Mayewski is saying that only air quality has to do with traffic, that is reasonable. No town bylaw will reject traffic generated air quality.

L. Mayewski states that traffic is the tool to evaluate the entire plan. He questions what is happening with the plan for the 495 interchange and the river crossing. The FAR is 0.25. The town bylaw allows up to .5 generating 18,000 trips a day for that parcel of land. He questions where it is going to go. It is the same issue for the air quality.

B. Lord indicates that the traffic issue has been addressed. They propose widening Maple Street. The front yards will not be touched. L. Mayewski sold lots with stone walls with frontage which is on town land. This developer will make up for that by widening on his property. They have tried to work with Mr. Mayewski. They presented traffic studies. They are willing to pay for upgrading Maple Street.

L. Mayewski questions if the plan is predicated on the interchange.

B. Lord indicates it is not.

L. Mayewski questions if the Planning Board has looked at the total vehicles generated by this development.

P. Herr states that a traffic analysis was submitted one month ago. The FAR is close to .025 for these 2 subdivisions collectively. There is a lower capacity of the road as indicated in several previous studies. Should the traffic volume exceed that, they will come up with money to widen the road by 10' by the northern entrance southward. They hope the town will seek grants to pay for some of the upgrading.



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This will place responsibility on the proposed owners. The trigger is based on the intensity of development for each lot up to FAR of .1 - 1/10 as much floor area as lot area. He does not know exactly what the number is - it is on the order of \$3.00 per square foot. This assures that the town has the funding to widen Maple Street to the south which will hopefully induce most of the traffic to go south. It seems to address all that can be addressed. The question before the Board now is whether this is the right roadway configuration and whether the developer will share his share of the costs. The problem will not be the interchange or the river crossing. High Street will not be usable. Water quality and on-site disposal needs to be shown. He is troubled by the scheme of the storm drainage. His concern is cumulative across all the sites for not causing the quality of the ground water in the water resource district to be degraded.

B. Lord is trying to understand the extent of the type of report which P. Herr is asking for.

P. Herr indicates it may be different than Title 5. It is the material which travels the path. They should make that their first order analysis.

JM questions what happened to the sewerage system.

B. Lord indicates that the town turned it down through inaction. Phases 3 and 4 are proposed with on-site. Something may be done in the future.

S. Racicot points out that there may turn out to be a situation like Somerville Lumber where people are coming before the Board to correct problems created by this development. Wells of people living nearby may be contaminated. *Everyone* who lives in that section of the street will come in about the noise and smells.

B. Lord indicates that those questions will be addressed at the site plan process.

GG states that Somerville Lumber was here tonight. Lee Keller showed they met all the requirements of the town.

B. Lord indicates that when Somerville Lumber was approved, it met all the requirements of the town of Bellingham.

GG questions if Bellingham requirements are too low.

S. Racicot believes they are.



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P. Herr states that before Somerville Lumber was there, the neighbors lived next to a field. Now there is an industrial building. He doubts they are violating the laws. The town's noise law is quite strict. One could argue they should have larger buffers. This configuration with houses on one side of the street and industrial buildings on the other is not a good situation.

GG states it is under the Planning Board's jurisdiction to require something regarding the noise.

P. Herr points out that there is nothing which allows them to regulate noise with regard to a subdivision.

B. Lord states that the town must make a decision on what to do with High Street. The answer may be nothing. They will discourage people from going out that way.

L. Mayewski believes that the material of the building of Somerville Lumber created a problem. It is a metal building so the noise reverberates. It comes from Garelick Farms and bounces off the metal building and back to the properties. The Board will have to look at the materials placed on the buildings to ensure it is a sound deadening material. The road has 2 uses which are conflicting. The plan should be mitigated. There are 3 segments of Maple Street - one segment between the loop, one north of the loop and one south of the loop. Improvement to Maple Street north of the loop will draw traffic to use Maple Street. They could use the circumferential road as the main road which would deter traffic from that segment. He asks about the people who had their houses prior to rezoning. It was agricultural. There should be protection to make the uses somewhat compatible.

B. Lord does not think they should have to protect the houses from industrial. L. Mayewski caused the problem. He built houses knowing what was going to occur. Everybody had knowledge about what was going on.

JM states that L. Mayewski knew about the industrial growth. He questions if there is any way to put a weight limit on the traffic that goes through.

L. Mayewski is not fighting industrial development. He wants to see it is handled properly. There are 2 perspectives. One deals with traffic and the other with environmental issues primarily in the watershed area.



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P. Herr indicates that the traffic report does not say where the money will be spent. Leo Mayewski is saying to spend it south.

B. Lord believes that if they do not improve Maple Street in this area, traffic will use it anyway. They will be creating a situation where there will not be adequate money to address the problem. They would be postponing the burden at a later date. He thinks it would throw the burden on the town to fix it later. It is a through road. It will always be a through road.

S. Racicot questions if the development can be done like Forge Park where the buildings are far apart and spread out with a lot of trees.

B. Lord responds that at full build out, Forge Park will be a much more extensive project. They will see in the future a fairly heavy density.

P. Herr indicates they can reconfigure Century Drive and Maple Street to have the traffic turn right onto Maple Street. The traffic would go straight and continue through the subdivision. They could make a through road with Maple/Century and Maple again. A dozen residences will not be affected. He is angry at the rezoning which doubled the number of dwellings. The people who live there did not do anything wrong. It is reasonable to try to protect them.

B. Lord believes there would be a problem with truck drivers entering traffic at an angle. It would be a dangerous encounter for traffic on Maple Street.

J. Hannert indicates they looked at this and questioned whether it would make a significant difference. The road would be at a 60 degree angle. She did not know if it would meet the requirements.

JM questions why they could not put a sign on Maple Street which said no truck traffic.

B. Lord responds it is industrial land all the way up. How can they say that no truck traffic is allowed on Maple Street. Maple Street is now a commuter road. It is going to be more of one. They looked at the issue of changing the road. It did not meet the subdivision regulations. The original plan they had did show the road coming down. The Planning Board did not like it.

GG states that P. Herr is saying to take Maple Street and tie it in.

B. Lord states that the Board's comments on the preliminary showed that they wanted the road moved up into this area.



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GG states they could do the change rather than widening Maple Street.

B. Lord questions what they would be required to do with the rest of the roadway.

GG states they do nothing on High Street, to the north nothing and to the south something.

B. Lord questions if this swap would be worth it for the town without the road improvements to Maple Street. It is a big tradeoff. They would have to put a sign on Maple Street.

EN questions how they can force anyone to take a certain road.

P. Herr explains that it will be a straight road with a name change. He volunteers his office to take an examination of this if they decide to make the configuration they are talking about. He will bring in a sketch.

JM believes it would make sense to do the northern end.

P. Herr indicates that it depends on whether or not one feels there is going to be an interchange. If not, then no, they should not do the northern end. They do not want to encourage people to come down Maple Street.

B. Lord states that what they are proposing would be to redirect traffic from the town road through a private development. The town would have no control over the road. They would maintain and plow the road. In most cases, industrial roads never become town roads.

P. Herr will make a drawing. He refers to the storm water system for Phases 3 and 4. There are large detention basins located in low points of the property which abutts the Core of Engineer's land. It provides for all storm capacity for all the developments to take place. When they do the individual site plans, there will be no detention basins on the lots at all. The big ones will take care of everything. The premise is the lots will not be developed more than 60% of impervious surface. The direct piping for the industrial will be closest to 12 dwellings. The pipe will go from there to detention basins. This raises a series of questions. Is it an advisable scheme? Should it be similar to Granite Park where they have a series of small detention basins to take care of each development. He is concerned over the water quality. Anybody who increases the impervious surface above 60% will have to provide on-site. Piping storm water is often a conveyance



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for contaminants. They would be piping to an area with a direct connection to the town's water. The percolating potential of contaminated water has not been answered.

J. Hannert indicates they will have a gate with mechanical means. The sump will detain the contaminants on site at the bottom of the detention basins until someone gets there to pump it out. The area within the detention basin will hold any contaminants on site.

P. Herr questions if the water will seep into the ground.

J. Hannert responds that it will after a period of time - slowly. Someone will be able to get to it before then.

P. Herr indicates that the rate at which it seeps into the ground depends on the percolation rate of the ground.

B. Lord states that once the site plan is in, adequate safeguards will be shown. They can not show them now except to say they will do it.

JM states they could put an oil storage tank in a water resource district.

P. Herr believes that the area is zoned industrially correctly. It is relatively unconnected to the public water supply. It is not in the water resource district. The water moves slowly.

L. Mayewski states that this parcel is abutting the Army Core and part of their watershed. They do have to approve detention ponds near it. He would like to see the Planning Board work with the Army Core of Engineers on that matter.

P. Herr states that the Core owns everything within 100 year flood plain.

B. Lord indicates they have met some of the requirements.

P. Herr states they are not within the 100 year flood plain and are not disturbing wetlands.

S. Racicot believes a hydrological study should be done so they will know which way the water goes.

P. Herr indicates that they already know that. It goes to the Charles River.



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B. Lord states they are not changing the amount of water. They are concentrating it. They hydrological flow rates are not overly changed.

S. Racicot points out they could put something in the basins to prevent contamination.

L. Mayewski would like to receive a copy of the traffic report and the EIR.

B. Lord will get a copy for him.

GG states that better documentation is needed for P. Herr to look at the alternative traffic proposal which was discussed tonight.

B. Lord states that if the configuration is put in and increases the traffic flow, the developer may feel he can look to the town for adequate compensation on what is required for the rest of rebuilding for Maple Street. This proposal would put a burden on an industrial road which is not there.

EN questions the liability of going through a private road. Would they need a Town Meeting?

B. Lord indicates that the difference here is the redirection of traffic onto a private road.

P. Herr points out that the town may want to quickly accept the road.

GG indicates they would need a ruling from Town Counsel regarding the street acceptance issue at the Town Meeting.

S. Racicot asks if they are saying that one could not go through Maple Street.

B. Lord indicates that one would have to take a right to get into Maple Street. Maple Street would no longer be a through street. Century Way would be a through street. It would encourage people to go out Century Way.

GG states that P. Herr will prepare a drawing of the traffic flow proposal. B. Lord will get additional information to P. Herr.

EN makes a motion to continue the public hearing for Riverview Park, Phases 3 and 4 to August 23, 1990 at 8:45 p.m. JM seconds motion. Vote of 3.



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P. Herr indicates that at the last meeting, the Board asked him to draft a Certificate of Approval for Phases 3 and 4. He has done that. It is complicated by payment of off site road improvements.

GG states that an extension is needed for Riverview Phases 3 and 4.

B. Lord requests an extension to September 15, 1990. He will get a letter of this request to the Clerk.

JM makes a motion to approve the extension to September 15, 1990. EN seconds motion. Vote of 3.

## GENERAL

B. Lord requests they want hear the Development Plan Review for Maplegate Country Club and Golf Course on August 23, 1990. A public hearing relative to the scenic road and shade tree law will also be held on the same proposal in conjunction with the Tree Warden.

GG states the Board will discuss these matters at 8:00 p.m. and 8:30 p.m. on August 23, 1990.

GG reads letter from the Building Inspector, dated July 26, 1990 regarding Honey Dew Donuts. He comments that the extensive renovation may require handicap access and facilities. On the left parking area, the cars will be backing into the drive-thru lane. In addition, the town of Bellingham is in Mass., not R.I., as stated on the Locus.

GG reads letter from Town Counsel, dated July 26, 1990, which is a reply to the Board's letter of July 2, 1990. He states it is impossible to respond to the Board's inquiry relative to this matter without the benefit of specific facts. The special permit does have a life of 12 months, which would be extended as a result of the appeal. Chapter 41, Sec. 81-P is a conclusion that the plan does not show a subdivision. It does not necessarily entail a conclusion that the lot is otherwise buildable. If there is to be a signed 81-P plan relative to a lot which has the benefit of a special permit, then there should be some notation on the 81-P plan to the effect of it's term. He requests that the file be presented to him if additional information is needed.

P. Herr will look over the situation and requests copies of both the Board's letter and Town Counsel's letter.

GG reads letter from the Town Treasurer, dated July 30, 1990, indicating that the Board should no longer accept any Letters of Credit



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as a form of covenant as opposed to Bonds or bank book accounts. He offers to appear before the Board to discuss this issue. GG reads letter from Town Counsel, dated July 23, 1990 relative to performance bonds. He states that there are a number of avenues to be taken by the Board concerning subdivisions whose securities have failed. The Board has the right to rescind the original plan which may or may not be legally effective. Occupancy permit or building permits should not be issued in situations where the security for the completion of the construction of ways and installation of municipal services have not been performed and there is no security available to perform same. He recommends the Board contact the developers in the first instance and on a forthwith basis advising them of the failure of their security and indicating that alternative methods of security must be presented to the Board on a forthwith basis and the failure to receive same will result in the Board initiating action to rescind the plan.

P. Herr agrees that the developers must be contacted immediately, but he does not agree that occupancy and building permits should be withheld. Many of the lots have already been sold. The Board would be penalizing people for buying lots.

GG states that the Board agrees that letters should be sent to all the developers in question asking them to appear at the meeting of August 23, 1990 under general business at 7:30 p.m. with an alternate form of security. The last paragraph of Town Counsel's letter can be used as a guideline. If they do not appear, the Board will take action to rescind the subdivision plans. A copy of Town Treasurer's letter should be included. Letters to be sent to developers of Bald Hill Estates, Beechwood Estates, Elm Estates and Silver Heights. Clerk to notify Town Treasurer that the date has expired for the bond for Birch Tree.

Meeting adjourned at 11:45 p.m.



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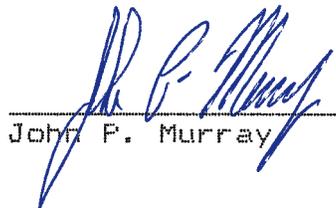
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Glenn E. Gerrior, Chairman

  
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Edward T. Moore, Vice-Chairman

  
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Emile W. Niedzwiedz

  
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Anne M. Morse

  
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John P. Murray