

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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GLENN E. GERRIOR
ROLAND R. LAPRADE

MINUTES OF REGULAR MEETING

MARCH 24, 1994

Meeting was called to order at 7:39 p.m. All members were present. AM and GG came in a little after the meeting began. Planning Board Associate Member William Wozniak and the Board's Consultant Philip B. Herr were also present.

**STREET ACCEPTANCES FOR WILLIAM WAY, RESERVOIR DRIVE,
DAVID ROAD AND ROLLING HILLS DRIVE**

B. Lord is not representing anyone other than himself as a resident. Forge Hill is a defunct corporation which was revised for limited purposes. He paid Stavinski himself to get the As-Built completed. Rolling Hills, which starts off David Road and goes to the next property is a dead end with two driveways off it. As far as he knows they were built as they should be. He presents the As-Built.

EM reads letter from Wilfred Arcand, Highway Dept. Director, dated March 23, 1994, regarding Rolling Hills Drive. He states that many years ago, Rollings Hills Drive had been inspected by the Highway Department while construction was in progress. The road was found to be in good condition meeting Subdivision Rules and Regulations. He viewed the area and found the road and the drainage to be good. However, he notes that there is no As-Built layout on file and they do not know where the bounds are or if any easements as necessary by the town. If there are any easements his department needs to view and inspect them prior to street acceptance. He further states that the town has accepted the drainage for this area but the Highway Dept. does not know the location of said drainage. Without proper information on file his office cannot recommend this street for acceptance by the town.

B. Lord states that this is the As-built. There are no easements.

W. Arcand receives a copy of the As-built from B. Lord. He asks if there are any bounds.

B. Lord states that the bounds are layed out and the markers are

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all in place. He has the mylar which he wants signed. He is going to write the deed based on the acceptance.

EM reads letter from Wilfred Arcand, dated March 21, 1994 regarding David Road, indicating that the road had been inspected by the Highway Dept. while construction was in progress many years ago. The road was found to be in good condition meeting the Subdivision Rules and Regulations. He viewed the area and found the road and the drainage to be good. However, he does not have an As-Built on file and does not know where the bounds are or if there are any easements necessary to the town. If there are easements, the Highway Dept. must inspect them prior to street acceptance. The town has accepted the drainage for this area but they do not know the location of the drainage. Without proper information, he cannot recommend this street for acceptance by the town.

B. Lord notes that the As-built which he submitted for Rolling Hills Drive covers everything because it is in the same subdivision.

EM asks if there is a motion to recommend acceptance of these streets for the Annual Town Meeting.

B. Lord notes that the Selectmen hold a public hearing for street acceptance. He would like to have the plan signed by the Board.

EN thinks that they have to wait until after the Town Meeting.

B. Lord is going to deed on these so they have to be signed before the Town Meeting.

EM suggests that they sign them at the next meeting in order to give Mr. Arcand the opportunity to review the plans.

RL makes a motion to recommend acceptance for Rollings Hills Drive and David Road. EN seconds. Vote of 3 (EM, EN and RL).

AM joins the meeting at 7:45 p.m.

EM reads letter to John Tuttle, Board of Selectmen Chairman from Wilfred Arcand, Highway Dept., dated March 21, 1994 regarding William Way. He states that William Way was inspected by the Highway Dept. many years ago while construction was in progress. The road was found to be in good condition meeting Subdivision Rules and Regulations for Industrial Parks. He viewed the area and found the road and the drainage to be good. However, he does not have an As-Built layout on file and does not know where the bounds are or if there are any easements necessary to the town. If there are any easements, his department needs to view and inspect them prior to street acceptance. The town has accepted the drainage for

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this area but he does not know where the location of the drainage is. Without proper information on file, his office cannot recommend this street for acceptance by the Town of Bellingham.

EM asks if anyone has an As-Built for William Way.

W. Arcand notes that this street acceptance was petitioned by William Hood.

EM points out that he needs to present an As-built before the Board can act on this.

EM reads letter from Donald DiMartino, Superintendent, Water/Sewer Dept., dated March 21, 1994 regarding William Way. He notes that it appears that all water pipes and appurtenances have been installed to the standards set by the Bellingham Water Dept. and Water Commissioners. All work was inspected by Water Dept. employees at the time of installation. He has a concern because it was their understanding that this was a private industrial park and therefore would not become the property of the town at any time. There have been problems supplying sufficient water pressure to the business at the top of this roadway for their fire sprinkler systems. This is due to the elevation of these businesses in relation to our storage tanks and the size of the water main in Mendon Street. Their fear in accepting this street, is that the town may in the future be saddled with the responsibility of installing and maintaining a booster pumping station and/or storage tank.

GG joins the discussion at 7:48 p.m.

EM states that apparently the Water Dept. is not recommending street acceptance.

B. Lord thinks that the Board has to decide if they want to accept industrial roads in any case. Is it a good policy for the town to accept industrial roads?

EM does not know what the procedure is.

AM does not know if they can legally not accept them.

BL notes that the problem is that the use is quite a bit heavier.

AM thinks that it may be something to put in later. There is nothing in the Bylaws saying that they can refuse to accept them now.

W. Arcand always thought that industrial park roads were the same as condo roads and would not be accepted by the town.

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P. Herr states that the condo road area gets included in the lot area requirements. William Way is clearly laid out as a road. He does not see how the Board can differentiate. The issue of inadequate pressure at the end of the hill has nothing to do with the way the road was built. The water main was put in the way they were supposed to.

W. Arcand would like to see the Planning Board put a restriction in the Rules and Regulations. He does not want to see the town pick up condos.

P. Herr states that condos are different from industrial parks.

EN thinks that it is part of the Rules and Regulations.

P. Herr refers to Shores at Silver Lake where they are proposing condos showing streets with rights of way. Those streets may be put up for acceptance but the driveways off of those streets which service the condos will not be. It depends on the way it is done.

EM thinks that the Board should table the William Way street acceptance request until they get the As-Built.

RL makes a motion to table the William Way street acceptance request. AM seconds. Vote of 5 (EM, EN, RL, GG and AM).

EM reads letter from Donald DiMartino, Water/Sewer Dept., dated March 21, 1994 relative to Reservoir Drive, David Road and Rollings Hills Drive. He states that it appears that all water pipes and appurtenances have been installed in these roadways to the standards set by the Bellingham Water Department and Water Commissioners. All work was inspected by the Water Dept. employees at the time of installation. None of the roads have any sewer pipes installed on them, nor do they have any gravity sewer available near their entrances. They have no outstanding concerns or reservations regarding the acceptance of these roadways.

EM reads letter from Wildred Arcand, Highway Dept. Director, dated March 21, 1994 regarding Reservoir Drive indicating that the road was inspected by the Highway Dept. many years ago while construction was in progress. The road was found to be in good condition meeting Subdivision Rules and Regulations. He viewed the area and found the road and the drainage to be good. However, there is no As-Built layout on file and they do not know where the bounds are or if there are any easements necessary by the town. If there are any easements, they need to view and inspect them prior to street acceptance. The town has accepted the drainage for this area but they do not know the location of said drainage. Without the proper information on file, he cannot recommend street acceptance.

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BL explains that this is the same owner as David Road but they never had an As-Built done. The corporation has been opened up for a limited purpose to deed the properties and tax foreclosure. He is only bring this in because the whole thing was together. He has the original plan. It is about 1,000 ft. in road. The question the Board has to answer is if we do not take this window now, they will never be able to get a deed because the corporation will close up. The corporation is a defunct corporation which is really not in business. The problem with this is that it requires an As-Built and there is no money to pay to have one done. This is a corporation not an individual. Roger Bixby is out of the corporation. The Board is not going to get an as built. This is a situation where they may never get an acceptance.

EM asks how many residents there are in the subdivision.

B. Lord responds that there are 9 lots.

GG thinks that this is similar to Glenbrook.

EM notes that this article for street acceptance can go before Town Meeting whether the Planning Board recommends it or not.

B. Lord further states that this is the only way to get the deed right now.

EM indicates that the Bylaw says they have to have an As-Built.

B. Lord disagrees.

EM asks if this comes under street acceptance in the Zoning Bylaw.

P. Herr responds that it is in the Procedural Rules.

AM makes a motion to table the street acceptance request for Reservoir Drive until an As-built plan is received.

RL asks why they are continuing the matter.

EM responds that they are giving the developer time to come up with an As-Built.

EN asks what happens if a problem arises at a later point in time.

B. Lord responds that if the road needs repairs the town will end up taking it by eminent domain which will cost more money. The reality is that the town will never get an As-Built because the developer owes too much money.

RL seconds AM's motion to table the consideration of the Reservoir

Drive street acceptance to the next meeting and to check with Town Counsel relative to the appropriate procedure. Vote of 5 (EM, EN, GG, RL and AM).

PUBLIC HEARINGS FOR 5 ZONING BYLAW AMENDMENT ARTICLES
CLUSTER REFINEMENT, SHARED DRIVEWAYS, SPLIT LOT DIMENSIONAL RULES,
DRAINAGE REVISIONS AND NEW ENGLAND COUNTRY CLUB REZONING

EM opens the public hearings and suggests they discuss the New England Country Club rezoning first. He will open the hearings for all 5 articles and the Clerk will read the notice.

GG abstains from the New England Country Club rezoning because he has done a lot of work for them in the past.

AM makes a motion to continue the other Zoning Bylaw amendments and to discuss New England Country Club first. RL seconds motion.

P. Herr notes that it is all one hearing.

EM suggests they run down what it is and why it is in order to answer alot of questions. He explains the hearing procedure. After a discussion of the articles, the Board will have the opportunity to ask questions and then it will be opened up to the audience. The audience is instructed to raise their hands with a question and state their name and address for the record. New England Country Club was agriculturally zoned before it was rezoned to residential. Residential requires 20,000 sq. ft. lots. The plan at time was to develop at 30,000 sq. ft. lot. The Town of Bellingham does not have 30,000 sq. ft. zoning. There was a Covenant put in place which guarantees that the lots would be put in as 30,000 sq. ft. lots. Right now that has not happened. In order to protect the town, the Planning Board feels that it should be rezoned back to agricultural. This should not affect the present plan in place. The Board is not looking to hurt New England Country Club. It was a good plan at the time and that is why it was approved. The fear is if that does not take place there will be 300 acres and anyone can come in and develop at 20,000 sq. ft lots with 600 homes. It is not the Board's intent to hurt NECC or any people involved with it. He asks if anyone on the Board has any questions.

AM wonders why they do not rezone to suburban instead of agricultural.

EM asked Town Counsel and he said that it is because it was agricultural before. It is easy go back to what it was. Trying to make it different confuses the issue. He does not know if suburban would work with the topography up there. Agricultural requires bigger lots which are double the size.

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Robert Bradley from the audience asks how this is going to be left if the project continues with its original plan.

EM responds that there is a time clock running. He was under impression that it was 7 years. Town Counsel originally said 8 years but later said that EM was correct. He does not know whether it started with the original approval or the amended plan with the new access. He thinks it deals with the amended plan which was not signed. He asks P. Herr for his interpretation of the timeframe.

P. Herr notes that is a matter which must be looked into. It is good for as long as the subdivision is good.

EM states that the subdivision has a 7 year life span to be started by the expiration of that date.

P. Herr thinks the original date and not the amended date would apply. It should be clear that the subdivision plan approval does not go away after a period of time. It is the shielding of land from zoning change which goes away.

EN states that this is to protect the town. EN makes a motion to close this portion of the article on NE Country Club. AM seconds.

AM notes that this keeps the existing subdivision in place. This is not taking anything away.

Larry Cibley from the audience states that it would be to the benefit of the people who have an interest in this rezoning and are not familiar with the process to show up at the FinCom recommendation meeting.

EM notes this is not the rezoning tonight. The rezoning will take place at the Town Meeting.

EN makes a motion to rezone. AM seconds. Vote of 4 (EM, EN, RL and AM). GG not present.

SPLIT LOT DIMENSIONAL RULES

EM reads summary prepared by P. Herr with a revision date of March 1, 1994, stating that this amendment would make explicit the rules regarding application of dimensional regulations to lots split by a district boundary line. There are a substantial number of such split lots. The article would at least reduce the number of cases where the Building Inspector or Planning Board has to make a judgment call regarding Bylaw applicability.

EM reads actual article for Split Lot Dimensional Rules.

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P. Herr explains that it means that if one is building a house on a lot which is partly in residential zoning and partly in business, they must consider the whole lot.

EN asks if it makes a difference how much is in each.

P. Herr responds that according to this it does not if the use is allowed.

EM asks if they have to consider the industrial portion of a lot which is split in industrial and residential zoning.

P. Herr notes that it means they have to extend 30 feet.

B. Lord explains that it must meet residential requirement for 30 feet.

EM indicates that one could go to the ZBA for relief.

P. Herr states that is correct. If it is a clear case, one may very well have the requirements for a variance.

EM asks for questions from Board and/or audience.

B. Lord asks what the difference is from present law.

P. Herr cannot tell a lot of those things under the current law. He has been back and forth with Town Counsel on this. He made him a diagram. He is hoping people will take this on faith. It is not perfect but it makes it a lot clearer than what we have now.

B. Lord asks what happens to the lot frontage in one district which is at a lower level district in the back part and more restricted. If the front is residential and back industrial, it is not compatible at all.

P. Herr responds that they will probably go and get a variance.

EN asks if the variance would be given on the whole section.

B. Lord states that the only way he can see residential is with industrial.

EM asks for the Board's recommendation relative to this article.

RL recommends the Split Lot Dimensional Rules Article to the Annual Town Meeting. GG seconds. Unanimous vote of 5 (EM, EN, GG, RL and AM).

SHARED DRIVEWAYS

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EM reads summary prepared by P. Herr, with a revision date of March 1, 1994, explaining that this article would provide guidance regarding driveways in any of 3 circumstances, i.e. when they are shared by two or more lots, when they are more than 200 ft. long and when they are on a corner lot. Shared driveways would be limited to serving two lots unless serving a larger number were allowed by the Planning Board or ZBA upon determination that doing so is safe, provides some community benefit, and does not circumvent the Subdivision Regulations. Driveways longer than 200 ft. in length or serving more than 5 parking spaces would be required to meet standards for width, radius, grade, and paving. Driveways on corner lots would be required to egress onto the less traveled street unless the Building Inspector or Planning Board determined that doing otherwise would not be less safe. He asks what standards the article is referring to.

P. Herr responds that they are in the actual article.

EM notes that this is the article that Town Counsel had a problem with. He reads the actual article. He asks for questions from the Board and/or audience. He states that Town Counsel wanted to know how they could tell somebody where to put their driveway. He said they would next try to tell someone where to face their house. The idea of the driveway is depicted in Rawson Farm where the developer agreed it was safer to access the street and have one access rather than accessing off Hartford Avenue.

B. Lord states that the one at Rawson Farm was not done deceptively.

EM is talking about the frontage lots which access out to Rawson Road instead of 126.

P. Herr notes that this would not prevent what happened at Rawson Farm up on the hill where there are two residences sharing the same driveway.

AM makes a motion to recommend the Shared Driveways Article. GG second. Unanimous vote of 5 (EM, EN, GG, RL and AM).

DRAINAGE FACILITY DESIGN

EM reads summary prepared by P. Herr, with a revision date of March 1, 1994, stating that this article would assure that the design of stormwater management facilities outside of a subdivision, such as those serving large parking lots, meet standards consistent with those adopted for subdivisions. Those standards include definition of the severity of storm for which facilities shall be designed, specification of materials, and rules for the design of the detention facilities now obligated under the Wetland Protection Act

and other authorities. Additional direction is provided regarding the fencing of such facilities, which is a frequent concern, giving guidance to the Planning Board without taking away all design flexibility for the designer. The referenced standards have been in effect for four or more years within subdivision, so are well tested in Bellingham.

EM reads actual article and then asks P. Herr to elaborate.

P. Herr responds that the retention area in an industrial area still has to follow the same rules as a subdivision. Any Developmental Plan Review which encompasses a retention area will have to meet the Subdivision Rules.

EN makes a motion to recommend the Drainage Facility design Article to Town Meeting. GG seconds motion. Unanimous vote of 5 (EM, EN, GG, RL and AM).

EM asks Pine Grove Estates applicant if he would mind putting off his hearing for 5 minutes to give the Board time to finish the last article.

Denis Etzkorn, DELA Construction, is agreeable.

CLUSTER REFINEMENT

GG reads the summary prepared by P. Herr, dated February 25, 1994, stating that zoning Section 4300 Cluster Development has rarely been used in Bellingham, but is potentially helpful in enabling development to better fit characteristics of the site and to preserve open space, and there is currently some interest among property owners in using it. Two easily eliminated weaknesses in the Bylaw have been observed. (1) Applicable Districts: Use of the Bylaw is now limited to the Suburban and Agricultural districts, but there are possible benefits to including land in other districts, as well, and no reason not to do so. The original limitation was intended for simplicity, but a relatively minor change extends potential application to all districts, most importantly to the B-2 district (in the other districts added -- R, B-1, and I -- parcels or parcel fragments will rarely have circumstances benefiting from use of these provisions). (2) Regulating Lot Size: In cluster development the overall density allowed is the same as for conventional development, but individual lot sizes are permitted to be smaller, providing flexibility and the potential of saving open space. However, it is near certain that the State Environmental Code's Title 5 will soon be amended to limit unsewered development lot size in many locations. This amendment would directly reflect that by making the Suburban dimensional rules application to individual lots unless either the lot is sewerred or there is demonstration that Title V can be

satisfied, in which case Residential District dimensional rules are controlling. GG reads actual article.

P. Herr states that the only thing which should be cited is that this potentially effects a proposal which is the Schaefer property. He hopes this could be considered separate from that.

EM notes that this amendment is not to benefit any plan before the Board or anything in the works. Right now Clusters can only be in agricultural or suburban zoning. This will allow clusters in an industrial zone, agricultural zone or suburban. EM asks for questions from the Board and/or audience.

B. Lord asks if it will leave more space when an agricultural district is clustered to residential standards.

P. Herr responds that it will provided it is sewerd. When the new Title 5 provisions come into place, no one will be able to put in smaller lots.

AM makes a motion to recommend Cluster Assignments to the Town Meeting. RL second. Unanimous vote of 5 (EM, EN, GG, RL and AM)..

EM thanks members of the ZBA for coming to the meeting.

PINE GROVE ESTATES II
DEFINITIVE SUBDIVISION PUBLIC HEARING
DELA CONSTRUCTION - OFF PEARL STREET

Robert Truax, GLM Engineering, will make the presentation.

Clerk reads notice of public hearing.

EM explains procedure of applicant presentation, Board questions, and audience questions.

R. Truax explains that this is an 8 lot subdivision located in Bellingham off Joseph Circle which is off Beech St. in Franklin and Pearl Street in Bellingham. Joseph Circle is an existing subdivision which is currently under construction with 4 - 5 new homes. They will be extending the deadend 500 ft. The proposal will be sewerd from Franklin and have Franklin water for fire protection. Drainage all flows now down to the Charles River. At the end of the cul de sac there will be a detention basin. They flagged the wetlands off the property itself. They tried to keep all work outside of the 100 ft. buffer zone. They notified the Conservation Commission and were notified to file if they go into the buffer zone. They will be single family homes. They will have Franklin water for fire protection and sewer for domestic use. The houses will be serviced by individual wells.

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AM asks if there is an agreement in place relative to municipal service.

Dennis Etzkorn, representative from DELA Construction, states that Denis Fraine has a copy of the agreement with Franklin.

EM reads letter from Fire Chief Richard Raineri, dated March 7, 1994 stating that the plan shows a hydrant to be installed at the town line. There does not appear to be a plan to extend the 8" water line into Bellingham. He would recommend that the water line be extended into Bellingham for the purpose of providing fire protection to the Bellingham lots. It is his understanding that an agreement has been reached between the towns for the purpose of providing water for fire protection in Bellingham. He suspects that Bellingham will handle its own emergencies. The only concern he has is that the new lots in Bellingham will possibly have a Franklin telephone exchange. This may result in the call being directed to the wrong community. He suggests that the applicant address this issue on how they plan to deal with the response issue.

EM asks why they do not run the 8" water line in and tie it in.

D. Etzorn would love to but Franklin agreed to allow sewer but not water. They will allow for fire hydrants. They would rather tie in to Bellingham than run across the town line and leave it in Franklin and waive the 70 ft.

EM notes that the Fire Chief requests a hydrant at the end of every street. The property is on the borderline so they have to go by rules which are more strict. Did they design to Bellingham or Franklin's standards?

R. Truax responds that it was all designed to Franklin's standards. He refers to the hydrants which they have to have within 500 ft. They came from the end of the cul de sac back 500 ft.

EM points out that the Fire Chief wants a water line at the end of the cul de sac.

B. Lord indicates that the homeowners may be able to tie in if Franklin allows them to have access.

EM asks if there is any problem doing that.

R. Truax and D. Etzkorn respond that Franklin has advised them that they cannot extend.

EM reads letter from Donald DiMartino, Water/Sewer Superintendant, dated March 16, 1994 indicating that (1) a Massachusetts Sewer

Extension Permit must be received from the Mass. Dept. of Environmental Protection (MDEP) by the developer due to the fact that a section of the sewer main will at some future date become the property of the town. (2) The force main pipes should be installed off of the proposed town right of way. These pipes should be installed in easements just off of the proposed street line and on land that will never belong to the town. The easements should be granted to the property owners whose pipe are installed on the easements and not granted to the town. (3) The force main pipes should be installed so that they discharge into a gravity sewer manhole which is in the easement mentioned above. The gravity sewer line should then flow into the proposed sewer manhole shown on the plans at station 8+50. This way all pipes to be taken over by the town will be gravity sewers only. (4) The force main pipes and individual home pumping units must meet the Bellingham Sewer Service Connect Specifications. The specifications for force main and individual home pumping units should be completed by March 23, 1994. (5) Clean-out manholes will be required in some areas. The Sewer Service Connection Specifications will clarify where these structures must be installed and how. (6) Privilege fees in the amount of \$2,600 per unit and any fees related to purchasing treatment capacity, must be paid in accordance with the Bellingham Betterment Assessment Regulations and the Bellingham Sewer Use Regulations. Also, a \$100 application fee must be paid before each individual lot's sewer connection construction is started. All sewer work must be performed by a licensed drainlayer. (7) An amendment to the Border Development Sewer Discharge Agreement between the Towns of Bellingham and Franklin and the Charles River Pollution Control District must be prepared and signed by the Town Administrators and District Operator. The greatest concern I have at this time is that of available sewer treatment capacity. The Board of Water and Sewer Commissioners will be reviewing this situation during the next month. The MDEP has stopped issuing sewer extension permits to developers in Franklin. Due to the fact that the MDEP permit process usually takes up to 10 weeks, I suggest that the developer revise these plans as soon as possible to prepare his submittal to the State. This subdivision does not have Bellingham Town water service available and Franklin is unwilling to extend its water mains into Bellingham. The water service to these lots will have to be private wells and come under the Board of Health's jurisdiction. He suggests that since the area is being serviced by private wells and six lots needing sewer pumping units, it may be an excellent idea to require that each home be equipped with a stand-by generator in the case of a prolonged power outage.

D. Etzkorn was aware of No. 1.

EM refers to No. 2. Easements are granted to property owners. He is not sure he follows the meaning.

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PH explains that it will come up on the next subdivision. Those houses each have their own ejection pump which will require that the owner get the services of their own plumber all the way to the top of the hill. The Water/Sewer Commission does not want to maintain any kind of a forced main or ejection system themselves. They are asking for the same thing with the two subdivision plans before the Board.

D. Etzkorn explains that they have looked at a new system which is designed by most of the big engineering firms by Weston and Sampson. He is meeting with Mr. DiMartino Tuesday at noon to show him an E1 system which works extremely well. Warwick, Rhode Island has a 150 units complex which owns an entire unit and force lines. 50 communities in New England have these systems in service. He has never had a problem with forced mains. It is every bit as aggravation free as the gravity.

P. Herr thinks it is a town issue.

EM does not think it makes sense to have an octopus of pipe coming up the street.

P. Herr explains that the town does not want the liability and continuing costs associated with that. He thinks it may make good policy to get someone from the Planning Board to meet with W/S Commission. The issue is money. They may decide that anytime they have a forced main or ejector pump the developer will endow the town a one time fee forever. Therefore, if a blockage occurs 300' from the house the homeowner will own it. It belongs in a private easement beside the street.

R. Truax states that the difference between a pumping station is that all the houses have to run gravity to pump it up. If these fail, the individual homeowners have the responsibility to put in new ones.

P. Herr notes that they will still have individual ejectors.

GG asks if they will be interior or exterior.

D. Etzkorn responds that they will probably be exterior. He likes this much better than a pumping station which requires at least \$4,000 in maintenance per year. These are virtually maintenance free.

B. Lord believes they have the right to tie into the system.

R. Truax will iron it out with them.

AM always thought the sewer charge was based on water use. How do

they charge with well water? Do they put in a meter?

D. Etzkorn responds that other towns simply estimate.

EM notes that the Town of Franklin is unwilling to extend the water mains into Bellingham. The Town of Bellingham connected to give water to Garelicks when the bridge was shut off.

P. Herr thinks that is an imprecise statement since they will not object to the main but will not provide water to the houses.

CENTERVILLE ESTATES
DEFINITIVE SUBDIVISION
PUBLIC HEARING

EM indicates that the Board needs a few more minutes to finish up this discussion.

Clerk reads notice of public hearing.

RL makes a motion to continue Centerville Estates for 10 minutes. GG seconds. Vote of 5 (EM, EN, GG, RL and AM) to continue.

PINE GROVE II
CONTINUED DISCUSSION

EM asks Board members if they have questions.

P. Herr notes that there are a series of little matters for which it may be appropriate for him to meet with them outside of the meeting. They are mostly mechanical issues. These people followed the Regulations in leaving a grass strip between the sidewalk and roads. Centerville Estates put the sidewalk next to the curb.

EM asks if that is what the Highway Dept. wanted.

R. Truax followed the Franklin cross-section. They tried to match up with what is coming in Joseph Circle from Franklin.

EM states that this is matching an existing road.

P. Herr asks if they are also matching the existing Regulations.

EM asks if they are waiving the road width to Franklin's Regulations.

P. Herr responds that this is much wider.

R. Truax indicates that the Regulations specify that they go with the stricter town.

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P. Herr asks about the light green and dark green indicated on the plan. He did not see where trees are. Also he did not see the indication of the planting proposed for the street.

R. Truax responds that it is currently heavily wooded.

P. Herr states that the proposal has to have a tree every 40' as called for in the Regulations.

D. Etzkorn tried not to cut the trees.

P. Herr indicates that they want to see trees along the street.

D. Etzkorn can leave a tree every 40' in the street right of way.

GG notes that he has never seen anyone put a tree in every 40'.

P. Herr is raising it now to see what the Board's thoughts are. The first plan he ever saw showing that was Centerville Estates. He thought the Board's Regulations say what the Board wants. If they do not want it then they should take it out of the Regulations.

GG points out that the Regulations call for them but they do not say what they should be.

P. Herr disagrees. The Regulations say 2 1/2" caliper.

GG notes that it does not specify the quality or kind of tree.

P. Herr states that there are people who think it is crazy because the trees entangle with the water lines. In time it will enhance subdivision but the Board has always ignored it.

R. Truax indicates that the right of way is 60 ft. with a pavement of 20'. On other side there is 15' with no reason to clear cut so they could cut it with a 40' layout.

EM can't tell from the drawings what they are proposing.

D. Etzkorn agrees to have a tree every 40' unless the homeowner comes in and says to cut.

B. Wozniak asks about the trees in the Franklin section.

D. Etzkorn responds that the trees are in the back. There are a line of trees in the roadway. There are no trees in most of it along the right side of the road going in.

P. Herr believes that they need some form of documentation.

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D. Etzkorn will put a note on the plan agreeing to put trees every 40'.

P. Herr notes that street lighting is also not shown.

R. Truax states that they do not usually show the street lights because the electric company tells them where to put them in. They do not have much say. They could tell the Board where they are going to put them and then the electric company will change it. The wiring is going to be underground.

GG does not think that they can get street lights approved.

P. Herr notes that the Regulations call for poles.

EM indicates that street lights are required at the cul de sac.

AM states that they might be totally wrong about where they should put the lights in.

D. Etzkorn agrees to show where they think the street lights should go.

B. Lord went through this with Wrentham. The problem is the electric companies. Rather than requiring them to do poles, they required every house to have a light out by the street.

P. Herr indicates that is an entirely different system. They could do that but that is not what they are doing now. He does not think there are any other issues which need to get raised here now.

EM wants to see a notation on the plan documenting that the telephone poles will be installed for street lights.

D. Etzkorn will show them where they think they should be.

R. Truax notes that at least then there will be a number.

EM explains the situation with a subdivision off North St. and Irene Court which is dark because they used underground utilities. They cannot put in street lights because there are no poles. Is Franklin underground?

D. Etzkorn responds in the affirmative. That is why they continued that here.

P. Herr thinks they should continue for one month.

D. Etzkorn would like to continue for two weeks.

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P. Herr never saw anyone turn anything around in two weeks.

AM notes that they may be shy two members at the last meeting in April.

D. Etzkorn states that his engineer can get done in a few days.

EM indicates that the Board will reschedule the 2nd meeting to the 3rd week in April.

P. Herr states that April 21, 1994 is good for him.

EN makes a motion to reschedule the last April meeting to April 21, 1994. RL seconds. Vote of 5 (EM, RL, AM, GG and EN).

EN makes a motion to continue Pine Grove Estates II at 8:00 p.m. on April 21, 1994. RL seconds. Vote of 5 (EM, EN, AM, GG and RL).

CENTERVILLE ESTATES

DEFINITIVE SUBDIVISION PUBLIC HEARING

MARK STANACIA - PROPERTY OFF MECHANIC STREET

Robert Salvetti, Engineer, will make the presentation.

EM goes over the procedure with the applicant presentation, Board questions and audience questions.

R. Salvetti explains that this is a subdivision for 6 buildable lots with 575 ft. road, 26 ft. pavement, sidewalk one side, and a retention pond in the back of lots 3 and 4. They propose two hydrants one at the beginning and one at the end. It will be changed over to the side. P. Herr did not like the hydrant at the very end. He thought it might interfere with the water. They are also proposng two lights but he does not know if they will be above or underground utilities. They will have one at the beginning and one at the end. They put the trees every 40' but they do not know if the Board wants that many on both sides. All the lots now meet the shape factor.

EM reads letter from the Fire Chief, dated March 15, 1994, requesting that a fire hydrant be installed at the beginning of Centerville Lane near Mechanic St. This hydrant is needed to service the beginning lots for a fire. While there is an existing hydrant on Mechanic St. approximately 160 ft. away, the use of that hydrant would pose both a safety and traffic problem as the hydrant is on the other side of the street. This would cause traffic jams and possible risk of injury to personnel and/or equipment. The hydrant at the end of the circle is 520 ft. away. He also suggests that the hydrant at the end of the circle be moved from the end to either side of the circle. He has found that the snow plows are

burying these hydrants when plowing as they push all the snow towards the end of the circle and pile it up making the hydrants inaccessible. The street name "Centerville Lane" is similar to other streets that we now have, i.e., Center St., Central St., Central Blvd., etc. The Board may wish to address this matter. He spoke with Mark Staniscia, the developer, regarding the hydrant at the beginning of the street and was advised that there would be no problem with putting in the additional hydrant as noted.

M. Staniscia agrees to put in the fire hydrants as requested by the Fire Chief.

EM reads letter from Donald DiMartino, Water/Sewer Superintendent, dated March 16, 1994. His comments relative to the sewer follow (1) Due to the fact that a section of the sewer main will, at some future date, become the property of the town, a Massachusetts Sewer Extension Permit must be received from the Massachusetts Dept. of Environmental Protect (MDEP) by the developer; (2) The sewer manhole at station 1+50 is too shallow. The required minimum depth of cover on the sewer main is 4'. This manhole shows a depth of less than 3'. The manhole should be moved down station to a point that 4' of cover will exist at all times; (3) The force main pipes should be installed off of the proposed town right of way. These pipes should be installed in easements just off of the proposed street line and on land that will never belong to the town. The easements should be granted to the property owners whose pipe are installed on the easements and not granted to the town; (4) The force main pipes should be installed so that they discharge into a gravity sewer manhole which is in the easement mentioned in #2. The gravity sewer line should then flow into the proposed sewer manhole mentioned in #2 above. This way all pipes to be taken over by the town will be gravity sewers only. (5) The force main pipes and individual home pumping units must meet the Bellingham Sewer Service Connect Specifications. The specifications for force main and individual home pumping units should be completed by March 23, 1994. (5) Clean-out manholes will be required in some areas. The Sewer Service Connection Specifications will clarify where these structures must be installed and how. (6) Privilege fees in the amount of \$2,600 per unit and any fees related to purchasing treatment capacity, must be paid in accordance with the Bellingham Betterment Assessment Regulations and the Bellingham Sewer Use Regulations. Also, a \$100 application fee must be paid before each individual lots sewer connection construction is started. All sewer work must be performed by a licensed drainlayer. The greatest concern he has at this time is that of available sewer treatment capacity. The Board of Water and Sewer Commissioners will be reviewing this situation during the next month. The MDEP has stopped issuing sewer extension permits to developers in the town of Franklin. Due to the fact that the MDEP permit process usually takes up to 10 weeks, he suggests that the developer revise

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these plans as soon as possible to prepare his submittal to the state. His comments relative to water for this development follow: (1) The distance between the existing hydrant on Mechanic St. and the proposed hydrant at the end of the subdivision is over the 500' distance required in the Water Regulations. Therefore, a hydrant should be added at the entrance to the new roadway. The end hydrant will continue to be required to allow for effective flushing. (2) The Fire Chief has recommended that all hydrants at deadends be installed off of the center. Therefore, the hydrant should be installed off of a dead end tee and installed at least 20' off of the center of the roadway. In addition, the last lot's water service should be connected to the main before this hydrant tee. (3) The connection to the existing 8" pipe in Mechanic St. should be done using a tapping sleeve and valve, and the three valves shown on the plans are not required. (4) The new water main should be 8" in diameter and hydrant branches 6" in diameter. An isolation valve will be required for each hydrant and he recommends the use of a valve anchoring tee for the hydrant branches. (5) The water main and service materials must meet the Water Dept. specifications. The bends in the water main shown should be made using mechanical joint fittings, so that excessive bending of the lengths of PVC pipe will be avoided. (6) Water connection and application fees must be paid for the tap to the 8" main in Mechanic St. For individual house lot connection and applications, fees must also be paid before any work on the connection is undertaken. His major concern with this project is that the water main and the sewer main must be installed in Mechanic St., Rt. 140. This is a State road and a State Permit must be obtained before any excavation in the state right of way can be undertaken. Also, one of the town's sewer contractors has recently completed the overlay paving in this area and the state or Bellingham Highway Dept. may apply a 5 year moratorium on the cutting of this roadway surface.

EM is concerned about the retention area shown on the plan.

R. Salvetti notes that there are problems because of gravity since the lots sit high. They can fence the retention area in to keep children out. They did calculations for a 25 year storm.

EM asks how deep it can get.

R. Salvetti responds that it can get up to 7' deep.

P. Herr notes that the drawing is obsolete because it shows the pumping station. He asks what the lot sizes will be.

R. Salvetti responds that they will be 20,000 square ft.

EM asks if they can go with septic instead of sewer.

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P. Herr states that there are a number of issues relative to this plan. The drawings will have to go to the Board of Health for sewer. Their review is the critical part.

M. Stanascia states that will be done during perc season.

GG asks if they will be forced to put the sewer in since it is running by this development.

P. Herr explains that the problem is the ejector pumps. This is the same problem as the other development. The town is new at the business of sewerer subdivisions. He suggests that they continue this to the April meeting.

EN makes a motion to continue the Centerville Estates Definitive Subdivision to April 21, 1994 at 9:00 p.m. RL seconds. Vote of 5 (EM, EN, RL, GG and AM).

EM suggests that they work with P. Herr to resolve the issues.

P. Herr thinks that the plan does not show the grass strip with the sidewalks.

R. Salvetti notes that the DPW said that they do not want the grass strip.

GG does not think that it works anyway. It does not end up looking nice.

EM notes that the Planning Board is flexible relative to this issue. It is a judgment call. The other subdivision is matching what was already started in Franklin. The Highway Director does not like the grass strip. The snowplows come by and plow over them and leave salt so they never grow.

GEORGE LEVINE

CONTINUED DEVELOPMENTAL PLAN REVIEW

MECHANIC STREET/SOUTH MAPLE STREET

MINIATURE GOLF/DRIVING RANGE

EM abstains from discussion because he is an abutter and will therefore not be sitting in during this discussion.

AM abstains from the discussion as well.

EN takes over as Chairman in EM and AM's absence.

Michael Aucoin, engineer, explains that the Board of Appeals approved their variance subject to Developmental Plan Review by the Planning Board. They made the necessary changes as suggested by P.

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Herr. There was a big discussion the last time they were in relative to the parking. As a result, they increased the parking by 8 spaces and increased the length of the parking area toward the driving nets. This does not affect the design of the driving range. They propose a 20 parking expansion space along the grassed area for parking of the miniature golf course customers. There is room now behind and to the south of this area. They changed the lighting facility to put in berm lighting. They will be shielded and angled properly to allow a better glow than the poles with less glare. They presented the electrical plan to P. Herr. The plan suggests how the lighting will be installed. They will have Muscoe lighting provided by a company which is a major supplier of sports facilities such as the Rose Bowl and Boston Garden. The lighting will be LV8 sports cluster visor which will shield the light 180 degrees in any direction. They included notes on the plan relative to muscoe lighting and the lighting scan which will meet the requirements. They agree to supply a plan prior to installation.

EN asks about the zoning district.

M. Aucoin responds that the first 400' of the property is in the business zone. 400' north of Mechanic Street it changes to industrial. They do not abutt agricultural on the southwesterly side.

EN asks about the floor plans and elevations.

M. Aucoin explains that the layout of the building is only 20' x 24', which is not more than 800 square ft. They agree to show that to the Building Inspector prior to issuance of a permit.

EN asks about the erosion control.

M. Aucoin responds that it is very flat land. Their first order of business will be building a retaining wall to hold the fill in. There is a parking lot behind this so they will be causing their own erosion which will be contained in the miniature golf area.

EN asks about the signs.

M. Aucoin notes that they are proposing two signs which are shown on location next to the entrance and on the center of the property. Notes on the plan show that they will comply with the Regulations. The owner will come in with the designs of the signs prior to installation.

EN asks about the planting which is proposed.

M. Aucoin explains that on the industrial zoning area, the issue is the square footage of the parking area. They are required to have

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5% of the amount of the paving area. They do not abutt agricultural here, but they do abutt industrial land. There is an existing tree line here which they are not disturbing whatsoever. The landscaping issue is within the parking area.

GG asks about the pavement surface.

M. Aucoin states that it is 34,310 square ft. bituminous.

EN asks about the stormwater and leaching basins.

M. Aucoin discussed this with P. Herr who suggested that they use leaching pits. This will remain in private ownership and will not be open in the winter time. It will also be privately maintained. They will have leaching pits in the open field. There is plenty of room to put in a pond if a problem ever arises.

EN reads decision of the Zoning Board of Appeals, indicating that a special permit is granted for an outdoor commercial recreation use, consisting of a golf driving range and a miniature golf course. The character of the neighborhood is industrial and commercial. This facility will greatly improve the appearance the esthetics of the neighborhood. The following stipulations must be adhered to: (1) Hours of operation Monday - Saturday 9:00 a.m. to 10:00 p.m., Sunday 9:00 a.m. to 9:00 p.m., (2) Applicant must meet the site plan requirements of the Planning Board, (3) Applicant is allowed to operate a snack bar.

P. Herr is concerned about the lighting but there is a provision that it be approved prior to the issuance of an occupancy permit. They will have berm lighting and big lights on 40' poles. The drawing shows that they will be illuminated 100' candles. It is very bright. They agree to comply with the law and they will not operate until they do. He is not clear about the signage but they say that they will meet the law. It is probably premature to work it out right now. The Planning Board will see it before it goes up. The last issue is the leaching catch basins. They provided drainage calculations. He does not think that it will create a public problem but will be their own problem. He located the lighting on the plan but can not tell the light contours. Before an occupancy permit is granted, they should conduct a measurement of the actual light levels.

M. Aucoin states that the water line is coming in on the back of the easement along the back of the property. Mr. DiMartino suggested they bring it in along the rear of their property. There are notes on the site plan relative to signage. They are going to abide by all town regulations since they want to move the project. They are not going to build something which they cannot open.

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P. Herr notes that the problem with the leaching basins is that they fill up with sand. If it does fill up with something, it will spill out onto their own driving range.

B. Wozniak asks if the poles will be wooden poles.

M. Aucoin responds in the affirmative.

RL makes a motion to approve the Developmental Plan for the miniature golf/driving range with the condition that the signage and lighting be approved prior to the issuance of a permit. There should also be a notation that a lighting field test be conducted prior to the issuance of an occupancy permit. GG seconds motion. Vote of 3 (EN, GG and RL). AM and EM abstain.

George Levine, applicant, will mail the fee of \$221.00 based on 67 parking spaces.

GENERAL DISCUSSION

AM and EM rejoin the meeting.

P. Herr suggests that the Board meet collectively with the Water/Sewer Commission to discuss the new Title 5 Requirements which will be adopted in May 1994.

EM will speak with Mr. DiMartino to set up a meeting.


At EM's direction, Clerk gives P. Herr a packet relative to Caryville Crossing proposal from the ZBA asking for the Planning Board's input. P. Herr will review the documents and plan and comment.

Clerk reviewed the Somerville Lumber minutes to respond to a letter from Denis Fraine relative to restrictions on the fire lane. The minutes reflect that Somerville Lumber agreed to keep truck traffic to the rear of the building.

EN makes a motion to adjourn at 10:53 p.m. GG seconds motion. Unanimous vote of 5 to adjourn (EM, EN, GG, AM and RL).




Edward T. Moore, Chairman



Anne M. Morse, Vice Chairman

Emile W. Niedzwiadek

Glenn E. Gerrior



Roland R. LaPrade