

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

**EDWARD T. MOORE, CHAIRMAN**  
**EMILE W. NIEDZWIADK, VICE CHAIRMAN**  
**ANNE M. MORSE**  
**ROLAND R. LAPRADE**  
**PAUL CHUPA**

**MINUTES OF REGULAR MEETING**

**SEPTEMBER 8, 1994**

Meeting was called to order at 7:37 p.m. All members except EN were present. Associate Member William Wozniak was also present.

**SUBMISSION**

Al Florentz submits an 81-P, Form A for Pulaski Blvd./Harpin Street on behalf of Alphonse and Cecile Pelletier. He explains that it is one parcel with a house on it, zoned residential with 125' frontage. The parcel meets all the setbacks for frontage and area requirements. It is still a wooded area and is not cleared.

AM makes a motion to approve the Form A. RL seconds. Vote of 4 (EM, AM, RL and PC). EN absent.

AM updates the Board on the status of the New England Bonsai driveway. They are going to put in gravel until the spring when they will pave. They are also going to put the trees in and put up a couple of pieces of stockade fence.

**MINUTES ACCEPTANCE**

RL makes a motion to accept the minutes of May 26, 1994. PC seconds. Vote of 3 ((EM, RL and PC). EN absent and AM abstains.

RL moves to accept the minutes of June 23, 1994. AM seconds. Vote of 4 (EM, EN, RL and PC). EN absent.

RL moves to accept the minutes of July 28, 1994 with a correction to the spelling of Earl Vater's name. PC seconds. Vote of 3 (EM, RL and PC). AM abstains and EN absent.

**GENERAL CORRESPONDENCE**

Clerk reads letter from John Emidy, Building Inspector, dated August 30, 1994, to Ernest Annibale, McDonald's Corporation wherein he states that he has reviewed responses to the concerns raised in his notice of August 2, 1994. He adds that after the lighting

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shields are installed, light and glare testing results must be provided. The testing should be performed by an approved agency to ensure compliance with Section 3230, "Light and glare." Results of the tests must be forwarded by October 3, 1994.

Members sign Claire's Cove decision which will be filed with the Town Clerk tomorrow by Chairman Moore.

Clerk advises EM that the Planning Board is scheduled to appear before the FinCom at their meeting of Tuesday, September 13, 1994 at 7:40 p.m. to explain the remaining bill for FY94 for Alternative Printing. Clerk was unaware of the bill because the Zoning Bylaw books are ordered through the Town Clerk's office and the bill was not submitted to the Planning Board for payment until after the fiscal year.

**CHESTNUT HILL CONDOMINIUM**  
**CONTINUED SPECIAL PERMIT (FORMERLY CRESTVIEW COMMONS)**

AM abstains from the discussion because of a conflict of interest.

EM explains that the hearing was opened at the last meeting, however, since there was no quorum, the public hearing was continued. Tonight the Planning Board Alternate member will be designated to hear this special permit because the Board is short one member. He explains that the Alternate Member is only allowed to sit on special permit applications. The applicant has the right to have 5 members present but does have the option to proceed with 4.

B. Lord, Esquire, representing the applicant, will waive the 5th member.

EM further explains that a unanimous vote of 4 is required in order for the special permit to be approved.

B. Lord is representing Fredap Realty Trust.

RL would like to see the original plan which was approved.

EM instructs Clerk to bring the original plan and files regarding Crestview Commons, Oakview and Corlan Heights to the next meeting.

B. Lord explains that the original plan was presented under the name Oakview Terrace and was then changed to Crestview Commons which includes a 30 unit condo with 5 buildings (6 units per building). The condo was partially constructed under the approval. One was framed with plywood, one has some framing and another is nonexistent. They were within a couple of weeks of the first sale when a storm blew out the detention basin. The developer went

bankrupt and the property was taken over by the FDIC. His client purchased the property from the FDIC. The problem was that the detention basin which was designed for the property did not work. Their proposal is the same as it was before except that it includes changes to make the detention basin work. The configuration of the subdivision and the layout of the property will not be changed. They gave the Planning Board the environmental report which was previously submitted. Their engineer, Frank Gallagher, is here tonight to explain the proposal and answer questions. At the time this was constructed it met the needs of the municipality by providing this form of housing. Six units were designated handicap accessible with two full handicap units. All units are two bedroom. They are not changing the configuration of the building. There are only two variations on the special permit. They would like the \$122,000 maximum sales price restriction removed. The original design was far closer to Chestnut Street than was actually constructed. The water tests will be done over. They propose to convert the detention basin. It was originally designed to take water and retain it in the basin for natural absorption. They are now proposing a detention basin with an outlet. At the final Developmental Plan Review stage they will show the actual drainage easement. It will go to the swamp area next to the property. The natural contours of the area drains the water. They will intercept the water but they will not be changing the pattern of the water even though they will be changing the manner that it gets there. The drainage will work as a detention basin rather than a retention basin. There is one concern relative to the fencing. They will have fencing along all the perimeter as per the original agreement with Mr. Menfi.

EM states that they should have an independent engineer review the drainage. He asks if the applicant would be willing to pay for that.

B. Lord responds that they are willing to pay within reason. The request is not unexpected and they would be agreeable.

EM will forward the request to Denis Fraine to hire an independent engineer to review it.

B. Lord asks that it be done as quickly as possible.

EM explains that the Board reviewed the plan with P. Herr. The plans shows that they are changing a detention basin to a retention basin. The Board would have to see the documentation to verify the discharge.

B. Lord notes that the special permit is essentially an approval of the concept.

EM indicates that the original plan showed a cul-de-sac at the end of the road.

B. Lord states that the cul-de-sac disappeared a number of plans before it was approved.

EM points out that it is not unusual not to have a cul-de-sac.

B. Lord notes that the small plan which he distributed, dated January 22, 1987, does show a cul-de-sac. It was not shown in later plans so he assumes it was taken out.

EM would like to hear from an engineer to see how it would work as a detention rather than retention.

Frank Gallagher, engineer, explains that they will not have a whole new basin. The basin which is there will remain in dimension and grading. They are proposing to add a couple of things. Right now it is just a big hole which holds water.

EM states that since the left side was blown out it is more like a river.

RL asks about the situation with stumps being put in.

EM thinks they may have already been dug out.

F. Gallagher explains that there is some erosion. There is a 1' depth where the water is crested over.

B. Lord points out that some firming up was done on that side. It needs to be planted and finalized.

EM asks what was originally proposed.

F. Gallagher explains that it will not work as a retention basin. The retention basin is designed to collect stormwater which will leach back into the ground. They propose a controlled outlet structure which will allow the water to drain out into the wetlands.

EM points out that the Bylaw does not allow the runoff to exceed 10%. He asks if they have been to the Conservation Commission yet.

B. Lord responds in the negative.

EM believes that the water table was incorrectly stated the first time around. They need an independent study to protect the town's interests and the neighbors around there.

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F. Gallagher states that proposing the retention was flawed logic. The retention works with soils which are extremely permeable. Those conditions do not exist on this site.

EM indicates that the last engineer talked along the same lines but the developer went bankrupt before they could do it.

B. Lord explains that they talked with several engineers, every one of whom came to the same conclusions that this is the way to go. It cannot work as designed.

EM asks if they will have fencing on the other side.

B. Lord responds in the affirmative.

EM asks if the entire thing will be fenced.

B. Lord indicates that it will.

EM explains that as originally proposed the Board thought that there would be less impact but they cut every tree.

B. Lord notes that there were septic systems approved for all the units.

EM asks where the septic is for the units on the left.

B. Lord responds that they have not re-perked the areas as yet.

EM notes that Mr. Glaude had to build an entire French drain system because of the runoff.

B. Lord agrees that it wiped out his lawn. The drainage will now go in an area to capture the water and bring it down and out the backway. When the detention basin blew out the previous developer disconnected the pipe and redirected it.

RL asks if the water in the basin is a result of the water table.

B. Lord responds in the affirmative. It is not working at all at this stage.

RL asks if there are plans to replant the vegetation.

B. Lord answers that they will return the landscaping to an attractive position.

EM asks how far they propose to fence.

B. Lord responds that they will fence in nearly the whole property.

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EM asks if it will be stockade.

B. Lord answers that it will be. They will also fence the detention basin.

EM does not know if the Safety Officer will be agreeable to that because they cannot see through it. A stockade fence is a better deterrant because all of these things are attractive to children even though they are really a nuisance. He asks how deep it will be.

F. Gallagher responds that it will be about 6'.

EM asks for questions from Board members.

RL asks if it will be dry normally.

F. Gallagher responds that it will be. Right now it should be dry. A storm allows the basin to slowly fill up and discharge.

RL asks how it will drain if the basin is below the water table.

F. Gallagher explains that the soil is fairly impervious with 12 - 15' min. per inch per rates. Some of the water is infiltrating but it is not at a steady or heavy rate. They will come in and channel the outlet structure so there will not be a full basin like there is now.

RL thinks that the second engineering opinion is a necessity.

EM asks for questions from the audience. He explains that anyone with a question should raise their hands and state their name and address for the record when they are acknowledged.

Tom Crane, 27 Chestnut Street, presents a petition to the Board which everyone surrounding the project has talked about and signed concerning how the project has changed within the last 5 - 6 years. 50 people have signed so far.

EM reads the petition which states "We, the residents, of the neighborhood surrounding the proposed condominiums off Chestnut Street petition to turn down the special permit under consideration by the town planners. Some of the reasons are: 1. Traffic - A 30 unit complex would cause a heavy increase in traffic on an already busy street. Chestnut Street has evolved, in the last few years, into a neighborhood filled with many small children. There presently exists an exceedingly high volume of traffic accessing the Lake Hiawatha area. We believe that the increased traffic created by a large complex would be congestive and dangerous! 2. Noise - The proposed 30 unit complex is tightly packed in the

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nucleus of a quiet residential community. The integrity of this neighborhood will be adversely affected by a large number of people living in a confined area. 3. Property Values - the loss in property values in many of Bellingham taxpayers who feel that additional condominiums are not needed in the first place. 4. Drainage Problems - Drainage and engineering problems, past, present and future involved on this ill fated site.

B. Lord explains that his client bought this parcel in June 1994. He is not involved in the past problems. They propose construction of a fence to protect the neighborhood. He was involved in the original Pheasant Run subdivision in where many of the neighbors now live.

T. Crane asks why he was never notified of the original special permit.

EM indicates that abutters are notified. The approval was long after the plan was originally submitted. Abutters may have moved in after it was submitted.

B. Lord notes that the conditions of the area have not appreciably changed since it was first proposed. There is no other development in the area like this. Condo developments are not noisy and there are not a large amount of children. In Maplebrook, the number of children are about .4 per unit. This is a two bedroom development where they will not find a large amount of children.

T. Crane asks why they do not do 5 - 6 single family houses.

Robert Costanza, 19 Chestnut Street, notes that they all have to live around this. He gets the feeling that they want to throw the buildings up. He asks that they put some care into it.

EM explains that even though this is the same proposal, it is a whole new special permit. It is the same concept. Because it is a special permit, the Planning Board can put in conditions. No occupancy permit can be given until the drainage is working and a lot of other things are done. He voted for this development at the time it was approved. The Board was shown a subdivision as well. This showed less impact at the time but then the developer went in and cut everything down.

B. Lord explains that they do not want to spend a fortune on removing costs. The cost of removing the buildings makes the property totally unbuildable. It is uneconomic to remove the buildings. They are willing to work with what they have.

Alice Andrews, 8 Pheasant Hill Rd., owns a condo in S. Attleboro. Some of the units have 3 kids. People cannot sell them and stayed.

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Some condos in Plainville have become rentals because they could not sell. No one is keeping up with them since they were built in 1989 - 1990. That is her concern.

B. Lord notes that the condo market in Boston has picked up.

RL asks what the expected sale price is.

B. Lord responds that they will price the condos at \$85,000.

John Ruggerio, 7 Partridge Trail, asks if the Board was aware of the houses going up at Pheasant Hill when they agreed to allow the condos at the same time.

EM responds that Menfi had the right to put in the subdivision and the people who built the condos had the right to do so on their land.

J. Ruggerio points out that the two do not go together.

EM agrees that they do not but the Board cannot consider that. They have rules and laws to follow. People have the legal right to build on their land. He does not like condos either.

J. Ruggerio believes that the property values in Pheasant Hill will go down because of this.

B. Lord states that the tax assessment which was done in 1990 caught everybody at the peak of the market rather than the low. The town is presently going through a re-evaluation and the next bill should reflect the changes. The way it sits now it effects the property more than if it was completed. Some drop in the valuation may be due to the neighborhood itself.

Steve Batso, 5 Pheasant Hill, has the leaching area in his backyard. He does not like condos either. He is concerned about the availability of the water. What happens if they cannot keep up with the demand in 5 years? 30 units with two people per unit is 60 people using water. He refers to the issue of fencing. When he bought his property, he was told that there would be a living fence. A stockade fence is an eyesore. Some things such as bushes or trees are more aesthetic.

B. Lord explains that the original agreement with Menfi was for a stockade fence with screening behind it. That was the agreement with Menfi and Celtic.

EM states that in the past the Board has been told that they cannot deny because of water.



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PC explains that the Water Dept. is in the process of putting in another well on High Street and Wrentham Road. Denial for water would not stand up in court because it is not enough of a reason.

B. Lord indicates that the town is working to provide more water.

RL asks about the low pressure.

PC explains that this location is the highest point in Bellingham.

Ray Howard, 19 Chestnut St., did the soil testing. He worked for a company who did the perc tests and the soil tests which were low. They were all 14 inch per minute tests. He walked the site. He is surprised they can support 30 units on that site. He asks if it will be retested.

B. Lord explains that the Health Agent at the time was a stickler on perc tests. There is an 8 month process to get the septic approved. The areas will be re-perced because the two year time period ran out.

B. Wozniak asks why they did not perc all 5.

B. Lord explains that this was only bought in June 1994. Perc season was running out.

Alice Andrews, asks why they perced the new area and not the old one.

B. Lord responds that they did perc those but this perced better.

F. Gallagher explains that the state allows a perc rate of 30 minutes per inch. This is two times faster than that would allow. Title 5 is not out yet but it allows slower perc rates.

B. Lord states that it allows for slower percs but requires more land.

PC spoke with Tim Fullum, DEP, Worcester, who indicated that Title 5 will start next spring and spread over a lot of years.

R. Howard, 19 Chestnut St., asks how this detention basin will compare with the Pheasant Hill 50 year storm detention basin. This is a 10 acre site. One acre of pavement is now draining into a detention basin with quite a volume of water. This is not very large compared with the Pheasant Hill basin.

EM asks if the basin would be shallower if it was widened.

F. Gallagher responds in the affirmative.

EM indicates that the Conservation Commission will have to review this.

B. Wozniak thinks that this has to be approved by the state.

B. Lord notes that they will file with the Conservation Commission and the State DEP after it is reviewed at the town level.

R. Howard states that the open areas are vegetated wetlands. The rain water does not go anywhere. There are cattails everywhere.

EM agrees that wetlands have been created all through the site. He asks if they have a date to go before the Conservation Commission or the Board of Health.

B. Lord responds that they cannot go forward without the special permit.

R. Howard asks about the site distance for the street entrance.

B. Lord responds that 400' is required. A traffic analysis was done when they submitted for condos. The landowner has the right to make use of his land. The single floor units will be handicap accessible with full handicap units. This development will provide something which Bellingham does not currently have. There are not a lot of condos in this area of town.

Gary Lamoureux, 23 Chestnut Street, does not believe that condos belong on that location in the first place. He asks what they can do to keep them from coming there.

B. Lord explains that when he represented the developer of their development, people were opposed to it at the time. A landowner has the right to develop land.

EM notes that the Board has to weigh both sides. The laws are in the developers favor. He cannot answer questions on how to keep it the way it is or knock it down and reseed it.

B. Lord states that if they tell the developer he cannot build, the town will have to buy the land.

A. Andrews asks why they do not put houses there.

Tony Cifizzari, 7 Chestnut St., states that the developer bought the land without a permit and took a chance. He knew maybe it would not get approval. He asks why he does not put in 4 - 5 houses.

B. Lord points out that the buildings are already constructed.

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Bob Andrews, 8 Pheasant Hill, thinks that this will still be another failure. 6 weeks ago he could have floated a boat in there. The french drains around his house are always running. He cannot see how this would support 30 units.

EM indicates that they have an engineer who says that it will work.

B. Andrews notes that even though they disconnected the pipe, the water is still flowing. He asks where the water is coming from.

EM is under the impression that when they dug the hole, they hit water and that is where the water is coming from.

Marie Ruggerio, 7 Partridge Trail, had no knowledge that this was already approved. She asks when the approval took place.

B. Lord responds that this proposal was before the Planning Board at the same time as Pheasant Run.

Jean Glaude, 11 Partridge Trail, explains that the side of her property is always wet. There will be runoff from the roof buildings. That pond is not going to solve the problem. She asks where the septic system is.

B. Lord responds that it is over on the corner.

J. Glaude notes that the hill flows into her property.

F. Gallagher believes that she should get some alleviation.

J. Glaude asks how they will get the flow uphill. It is flowing down her property right now.

F. Gallagher responds that there is no means to control it right now. The drainage system is not functioning and the pavement is not in place. The catch basin is not there. They are currently getting sheeting coming across.

J. Glaude asks what they will do about 6 units roofs running off onto her property.

F. Gallagher responds that they will take the roof drains and route them under the ground to the detention basin. The grading at the front of the building will be higher at the building than at the pavement. All of it will be captured in a catch basin and take everything to the detention basin. If this system was put in place and functioning, it would help the situation.

Mr. Glaude was told that it would help before. They keep getting promises and it does not work. They have to live with the

situation. They had to look at the ugly building and live with it for 8 years.

F. Gallagher sees this as a very easy fix.

Mr. Glaude asks who will maintain it once they are sold.

F. Gallagher states that the detention will be maintained better than the Pheasant Hill detention basin. It will be a private development with an association of owners who pay a fee to a fund to maintain it. The owners will be charged with maintaining their own site.

PC notes that Pheasant Hill drainage is terrible. It should have never been built because of the water problems. They had to shut a tank off in the beginning because of water problems.

Paul Riales, 3 Pheasant Hill, indicates that it is clear that no one wants to see all the legal things passed. They do not want to talk about moving forward without a hearing before the Board of Health or the Conservation Commission.

EM will contact other boards to request their comments. He will talk to the Conservation Commission about the runoff into the stream.

Nancy Powers, 10 Partridge Trail, asks about the next step of Developmental Plan Review. She asks about the exact order of what is to be done.

B. Lord explains that the special permit is a concept plan to approve the idea. The second step is Developmental Plan Review where they really get the input in other areas. There is no set manner in which to do it. Percing is controlled by a time factor. Deep hold percs are done in the spring 1995. They will go to the Conservation Commission before they apply for Developmental Plan Review. The developmental plan will contain the infrastructure information. It will be more detailed than the concept plan.

EM states that a plan showing a single family subdivision was submitted by the previous developer. The Board will have that plan at the next meeting. He reads Section 4424 of the Zoning Bylaw which states that a comparative single family subdivision must be presented with every special permit.

Nancy Powers lives in the property next to the detention ponds where there is a continual waterfall. There is a trickle even in the summer. In the spring there is a waterfall to her backyard.

EM indicates that they have to obtain an easement in order to make this work.

B. Lord states that there are three separate areas where they could do the same thing in order for this to be accomplished. They will be discussing this with the landowners. They could not go across their property without permission.

Nancy Powers built a retention fence which directs the water into the woods instead of her immediate backyard area. It was the only way to keep grass in her backyard. The old developer disposed of tree stumps in there. She asks if that will affect the plan.

F. Gallagher responds that it will not with what they are proposing. It will certainly effect the stormwater which is recharged into the ground.

EM asks how they will not have more than 10% runoff with a pipe at the bottom for the water to run out.

Mike Drake, 22 Pheasant Hill Road, explains that two of the neighbors have experienced town repairs in their detention pond. The water was draining in his driveway because of a slope and it never entered the drain. He called the town and they came out and dug a hole to put in another pipe. He has not had a problem since then. It is better to have the town take care of it. He prefers to go to the town rather than a private organization.

Ray Howard, 19 Chestnut Street, indicates that the plan does not reflect what is physically built already. The banking is not shown.

B. Lord passed out the smaller plan so they would get the general idea of what is there. It is not the plan which was approved but it shows where the old detention basin was designed. The plan on the scaffold is the approved plan.

Ray Howard notes that there is sloping on the plan which is incorrect. It shows the front of the unit and the back of the unit at the same elevation.

B. Lord responds that now there is nothing there. Landscaping will be done.

B. Wozniak points out that the plans show a full walk out basement. The elevation is shown with sliders at the bottom.

EM thinks that may mean bedrooms in the basement.

B. Lord is not proposing a walkout. It is there now but won't be

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there later. They will be building to level.

Dave Monihan, Quail Run Road, asks what is required to demonstrate that the town needs condos.

B. Lord responds that there is nothing in the South Bellingham area like this. The town should have a housing mix.

Dave Monihan does not think that is a demonstration of need. He asks about the value of the property in terms of what they will bring to the town when it is developed.

B. Lord states that the tax rate has gone up so this will provide more in dollars.

Dave Monihan asks if bonding is required.

EM explains that bonds in the form of a cash deposit or letter of credit are required on subdivisions because the town will own the road. On condos there is no bonding because the town will not own the road.

B. Lord reads from the previous special permit decision for Crestview Commons relative to security. It was built into the decision the last time and they agree to it this time. The Planning Board requires that the bonding be in cash.

EM explains that on this particular development, the developer withdrew the money held in security at the bank without the town's permission.

Tom Crane, 27 Chestnut Street, refers to the traffic issue. He has children and his neighbors have children. Things are not what they used to be. He is in the real estate business and does not see a need for these. He asks where the plan is showing 4 - 5 houses. He would like to see that addressed. There is nobody in Bellingham who is for this proposal other than the developer or people who work for the developer.

Dave Manchester, 5 Chestnut Street, asks if this is the best thing to do with the land. He asks where all the water is going. The pond is full all the time. He lives right next to it. He asks where they will pipe the water to.

F. Gallagher explains that they are now proposing the outlet to pipe to the existing wetlands.

EM notes that all these issues have to go before the Conservation Commission.

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Dave Manchester would like to see the single family development plan also.

B. Lord states that it will be provided at the next meeting.

EM explains that the first time around the condos were a better deal.

F. Gallagher points out that the basin is 321 at the top and 314 at the bottom. With a 100 year storm it fills up to 318. The basin is larger than it has to be. He sees this as an easy fix. It is easy for him to see why this is happening because it was not the proper design.

B. Wozniak asks why Celtic did not fix it if it was an easy fix.

B. Lord responds that they did have a similar design.

F. Gallagher notes that the problem will exist until they fix it.

Mrs. Glaude would also like to see the plans which were presented before.

Dave Manchester asks about the diameter of the pipe.

F. Gallagher responds that it is a 21" pipe.

Nancy Powers asks if the master deed and the condo regulations have already been developed.

B. Lord responds in the negative.

Nancy Powers asks if the town can prohibit rentals.

EM responds that the town can put in conditions which pertain to the lot. The association can place conditions relative to rentals.

B. Lord notes that some people do buy condos as investments.

EM asks if Attorney Lord is willing to bank on the original subdivision drawing which was submitted. He instructs Clerk to check all files pertaining to the previous developer including Corlan Heights, Oakview Condominiums and Crestview Commons.

B. Lord will have to look at the plan first.

Joyce Cucinotta, 9 Partridge Trail, explains that when this was built, they were sued personally because it overflowed from their property onto Lakeshore Drive. She asks how her retention pond will be effected by this detention.

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F. Gallagher analyzed the situation on the assumption that the site will not be disturbed. He used the most conservative approach.

Bob Andrews asks when this will be put before the Board of Health.

EM responds that it will go there after the Planning Board.

Audience members ask if they will be notified of the next meeting by mail.

EM answers that there will be no mailing. The law only requires that notices and adds be placed for the beginning of a public hearing.

B. Wozniak notes that the net revenue to the town is \$40,404. He asks if a study was done comparing taxes for 9 single family homes against 30 condos.

Nancy Powers asks if financing has been set up for the condos. Are they low income housing?

B. Lord responds that they will be affordable to people who buy them but they are not considered affordable housing for low income.

EM has the original decision for Oakview. The public hearing started in March 1987.

Tom Crane asks if they are using the original traffic study which was done in 1987. Traffic has increased since then.

B. Lord explains that before they started they came to the Planning Board because they did not think that they needed a special permit. They asked the Planning Board if they could resubmit the previous traffic analysis since very little has changed in the area. There are no new lots which were not there at that point in time. The numbers are relative to municipal impact.

RL makes a motion to continue the public hearing to September 22, 1994 at 8:30 p.m.

Gary Lamoureux, 23 Chestnut Street, asks if the developer is responsible since he bought the property outright.

B. Lord notes that there is a stop work order in place so they cannot do much.

EM does not know who is liable. The Board gave them permission to board up the buildings when they came and asked for it.

Nancy Powers asks if the town ordered the FDIC to make the property



safe.

Gary Lamoureux refers to the foundation which has a hole like a swimming pool.

PC seconds RL's motion. Vote of 4 to continue (EM, RL, PC and BW).

EM instructs Clerk to forward a letter to D. Fraine explaining that B. Lord is representing the applicant who has agreed to pay for an independent engineer to review the drainage situation. He will talk to D. Fraine and discuss it with him too.

B. Lord asks that the engineers be allowed to communicate directly.

RL thinks that they should come through the Board.

B. Lord suggests that they run it through D. Fraine. He prefers that the engineers have direct contact to save time.

EM thinks that they could route questions through P. Herr, the Planning Board Consultant.

#### **GENERAL CORRESPONDENCE**

EM reads letter from Janice Hannert, Fafard Company, dated August 30, 1994, relative to Shores at Silver Lake. She encloses easements for all areas of sewer line extensions and appurtenances, an order of conditions for the Bellingham Conservation Commission for the sewer extension approved by the Board of Water and Sewer Commissioners, a certificate from the Secretary of the Executive Office of Environmental Affairs declaring that an Environmental Impact Report will not be required for the project and a permit from the Division of Water Pollution Control for Sewer System Extension granted for service from this development to the Charles River Water Pollution Control District.

EM reads letter from Donald DiMartino, Water Department, dated September 6, 1994 to Ms. Hannert relative to Shores at Silver Lake wherein he states that he has received a copy of the August 31, 1994 Permit Issuance cover letter from Mr. James Fuller of the Mass. Dept. of Environmental Protection with 3 special conditions. He agrees with conditions 1 and 2. It is obvious that the Mass DEP permit and the Bellingham permit are for only the 50 units presently proposed. The requirements of condition 3 concern him depending on the time frame for the start of construction, an upcoming town meeting article vote and the town's policy regarding condominium complexes and ownership of property relative to these complexes. He explains the article which is on the town meeting warrant for October 5, 1994 which will require a gift of a minimum of \$100,000 be given to the town to allow the construction of this

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**SEPTEMBER 8, 1994**

type of pumping station. If the town is to take over this station in the future, other technical items must be resolved. He suggests that the condominium association or property owners retain full ownership and control of all sewer works. Many issues remain to be solved before construction on the sewer system can be started.

EM reads letter from Donald DiMartino, Water and Sewer Superintendent, dated August 24, 1994 to James McElroy, Chairman Board of Selectmen, relative to the sewer pumping station article which is on the warrant for the October 1994 town meeting. The concept of the article is to allow private parties to construct sewer pump stations that the town will eventually take over without placing a financial burden on the town budget to pay for the operations and maintenance of the stations.

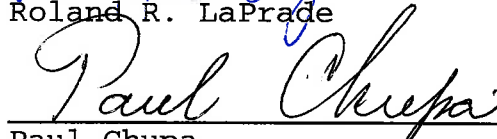
RL moves to adjourn the meeting at 10:55 p.m. PC seconds. Vote of 3 (EM, RL and PC).

  
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Edward T. Moore, Chairman

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Emile W. Niedzwiadek, Vice Chairman

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Anne M. Morse

  
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Roland R. LaPrade

  
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Paul Chupa