

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

MARCH 23, 1995

Meeting was called to order at 7:39 p.m. All members were present. Planning Board Associate Member William Wozniak and the Board's Consultant Philip B. Herr were also present.

SUBMISSION

Patrick Arno presents an 81-P for Granite and Farm Streets. The property is mostly on Farm Sreet with a little on Granite Street.

EM asks where the frontage is.

P. Arno responds that it is zoned agricultural with 200 feet of frontage and 80,000 square feet total.

EM asks if there is an easement through the property.

P. Arno asks if he has to have a driveway or access.

EM thinks that this would goof up two lots.

RL asks about the one long lot.

EM indicates that they want to leave a road easement on one lot.

P. Arno points out the town line.

RL asks where 126 is.

P. Arno responds that it is way down.

RL sees no problem except the odd shaped lot.

P. Arno has 260 distance along the sideline.

AM asks what the lot shape factor is there.

EM does not think it is a porkchop lot but it is pretty close to a

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porkchop shape lot.

RL asks why they did that particular shape.

P. Arno explains that there is a small bit of wetland and the lot line is going through it.

EM does not know if Granite Street is an accepted street.

P. Herr does not think that it is. He asks if P. Arno has done the arithmetic to figure out the lot shape factor.

P. Arno states that he has not.

P. Herr looks at a list of accepted streets that the Town Clerk prepared in 1973 and 1976. Granite Street is not on either list. The question is whether or not there is enough width to serve the development.

EM notes that it is paved. There is a narrow bad end near Medway.

P. Herr points out that if it is the judgment of the Board that it is adequate access, it does not matter if it is accepted by the town or not.

EM believes that it is adequate for two houses. There is a horse farm and big field there.

P. Arno explains that his client does not own anything on the other side of the town line.

P. Herr notes that if it does not meet the lot shape factor, it is not a buildable lot.

EM states that the Board should know if it meets the lot shape factor. It is not good for someone else to catch it.

P. Herr describes it as a long skinny lot which typically would not make it. He refers to Section 2590, lot shape factor.

P. Arno explains that part of the owner's plan is to get the lots established to forego the Title 5 changes. He asks if he can leave the plan with the Clerk for submittal.

P. Herr indicates that it is the date of the meeting that matters since that is the date that the Board considers it.

EM states that this is no submittal.

P. Herr explains that the Planning Board Regulations consider the

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date of the meeting as the date of submittal. There is a lack of information on this plan. The problem is that they haven't put in all the things which the Board needs to review the plan.

EM indicates that he could have come in with a perimeter plan. He would want to show that the lots existed beforehand. They don't exist as shown but that would not help with the Title 5 requirements. They may not want to submit a plan which does not work.

P. Herr asks why they would want to bend over to evade the requirements since Title 5 makes everyone better off.

SUBMISSION 81-P
SILVER LAKE ROAD

Janice Hannert, Fafard representative, presents a conceptual ANR plan, a copy of which was sent to P. Herr whose revisions are shown here. She heard loud and clear that the Board wants to see less than 50 units. They are looking to cut off a piece of property from the rest of the site and will apply for special permit and site plan review for less than 50 units. The ANR plan cuts off parcels 4, 5, and 6. Parcel 7 is not a buildable lot. The Board felt that there should be access out to Cross Street.

EM asks when it will become access.

J. Hannert states that they will show the access when they apply for the special permit. She requests permission to meet with P. Herr to go through the plans. There are a number of changes still to be made. They want to make sure everything meets the basic objectives and bring the ANR plan back at the next meeting.

EN asks where the houses will be.

J. Hannert responds that there will be clustered driveways off the major roads. They will have single family attached homes branching off the roads. They will have 7 different models with larger type units which will incorporate a number of objectives the Board has expressed. The subdivision approved lot 1 which is 119 acres from Cross Street to Silver Lake Road to S. Main St. Lot 2 is 29 acres. The dark grey on the plan with the cul-de-sac is part of the existing subdivision.

P. Herr refers to lot 7 for which they will have to hold a hearing to amend the subdivision. The signing of the 81-P does not raise the issue. He thinks it is o'kay to do this. There are more complications down the road. The 81-P may or may not show the hammerhead.

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J. Hannert indicates that the site plan will show the temporary turnaround.

EN thinks that they should get a bond. Even though it is a private entity, they need to make sure that it gets done.

CHESTNUT HILL CONDOMINIUM

SPECIAL PERMIT AND DEVELOPMENTAL PLAN REVIEW

EM reopens the public hearing and continues the discussion for 10 minutes. EN moves to continue to 8:15 p.m. tonight. PC seconds. Vote of 4 (EM, EN, RL and PC). AM abstains.

DISCUSSION WITH AL FLORENTZ

RE: 3 LOTS 5TH AVE., ROGER STREET, CROOKS STREET

A. Florentz presents the Crooks Street plan.

EM asks when the subdivision was approved or recorded.

B. Lord responds that the subdivision was unrecorded. The problem is that the subdivision does not work against other subdivisions in the area.

EM indicates that there is no road.

PC points out that there is a 1" water main to one house. If they build there, they'll have to put in a 6" line with hydrants.

P. Herr states that they would have to go through the whole subdivision process and buy land.

A. Florentz presents the Rogers Street plan.

EM states that it is an accepted road.

A. Florentz notes that there are 8 lots but there are all wetlands. They want to get two lots on the same side.

P. Herr reviews his records and points out that Roger Street is not a town accepted road. He asks if a jeep is needed to drive it.

PC responds that a jeep is needed right now.

EM thinks they should have to do whatever had to be done on the other side. They should pave it. He asks how they can do it to make sure that it does not turn out to be 8 lots and only stays 2.

P. Herr states that they could come in with an 81-P plan showing two lots with a note on the plan that it will be paved 15 ft.

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B. Lord states that by ownerhsip they could probably prove 3 lots. The lots down the end are not buildable.

EM suggests they join all and mark them unbuildable.

A. Florentz presents the 5th Avenue plan. There is all conservation land around it. He shows a blow up with the proposed house and back field.

EM states that they could put a driveway in on the lot at the end of 4th and 5th Avenues.

P. Herr states that it does not have the frontage.

B. Lord indicates that the entire subdivision is all accepted roads. The town accepted the subdivision as a whole.

EM thinks that they should present a plan showing one lot instead of three with notations relative to the driveway.

P. Herr does not have the street on his list of accepted streets. He does recollect that the town accepted all the streets in the subdivison.

A. Florentz indicates that it has a 20% grade.

P. Herr notes that the Planning Board standard is 10%.

EM asks how they can make sure that it is always a driveway and the town plow stops.

P. Herr points out that the issue is adequate access. He does not see how a 20% grade is adequate access. He asks how big the lot is.

A. Florentz responds that it is 15,500 square feet.

P. Herr asks if it will be town sewerred.

A. Florentz responds that there will be a leach field. It is all gravel and has already been approved.

EM thinks that they should pave where it needs to be paved. They can put stone down on the driveway if they want.

CHESTNUT HILL CONDOMINIUM
SPECIAL PERMIT CONTINUED PUBLIC HEARING
DEVELOPMENTAL PLAN REVIEW MEETING

AM abstains from the hearing.

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EM reopens the public hearing.

B. Lord explains that at the last meeting, they were awaiting the outcome of the Conservation Commission review. Since then they have had two meetings with the Conservation Commission. The first was the presentation and the second was a site visit. They held a meeting on February 21, 1995 with D. Fraine, the Amory engineer and Frank Gallagher to review the technical areas. As a result, more drainage work was done. They had a site visit with the Conservation Commission who was more interested in the wetlands. There are two major issues. One is the capacity of the detention basin. Two is the appropriate materials. The dyke around the detention is not subject to breaking. They were looking for a design to bring the detention above the water table. Last night they presented a new plan for an enlarged basin to the Conservation Commission. They changed the wetlands lines to conform with the requirement of the Conservation Commission. The basin inlet will be raised 7' to 321. The bottom will be above the water table. They are working with Amory to ensure that the downstream analysis is working. The Conservation Commission accepted the entire design as given. The hearing is still open and PC was in attendance. The only remaining issues include the drainage of water to ensure that it is properly filtered and dammed. They will do soil tests to see if the soils can be used for the walls or if they have to bring it offsite. They expect approval at the next meeting. It is very clear that this is in the approvable stage. It was continued for temporary issues relative to construction.

EM talked with Cliff Matthews, Chairman, Conservation Commission tonight who said that they are waiting for the tests on the soils. The questions is if they can use the soils on the site or if they have to bring it in.

B. Lord reads letter from Thomas Sexton, Amory Engineers, dated March 22, 1995, which was faxed to D. Fraine today. He states that he has reviewed the revised Definitive Plan and accompanying drainage calculations for Chestnut Hill Condominiums. The Plan include four sheets which are as follows Sheets 1 & 2 of 4 Site Plan, revised March 17, 1995 and latest revisions undated. Sheets No. 3 of 4 Drainage Profiles, dated December 27, 1994. Sheet 4 of 4, Construction Details, revised March 17, 1995 and latest revisions undated. The latest submittal includes revised drainage calculations dated March 17, 1995 and March 22 submittal undated. No major revisions have been made to the detention basin. He inspected the site and met with the applicant's and Town's representative on February 20, 1995. He find the drainage calculations to be acceptable. There are some minor revisions needed to the dike cross-section which will not delay Definitive Plan approval. He have advised the applicant's consultant regarding the dike cross-section accordingly.

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EM explains that they are talking about increasing the size of the detention basin to make it bigger and shallower. He asks how they will increase it to the left. How will they make it a shallower and how will they fill it in when it is full of water?

Frank Gallagher, applicant's engineer, explains that they will drain it before they do the other work. They will have an outlet structure. They will find a way to put the outlet structure in place first. Before they fill it, it has to be drained.

RL asks how they will drain it when it is 3' under the water table.

P. Herr indicates that now the outlet structure is above the water level. He asks what elevation the outlet is at.

F. Gallagher responds that it is at 320 probably one to two feet below the water surface.

P. Herr states that the bottom is at 314. There is 6' of water below the outlet. He asks how they will get rid of the water.

B. Lord explains that when they fill it, the water will rise. The Conservation Commission asked for a sump to insure filtration.

EN states that it will never be a retention.

B. Lord states that the retention is 3' below the water table.

EM indicates that they will bring it up higher than the water table. The berm is already there but it does not hold back the water. He asks if they will take it out and change the liner.

F. Gallagher responds in the negative.

B. Lord explains that it will be dry at the bottom. There will be no standing water and there will be an adequate berm structure.

EN asks how high the berm will be.

B. Lord responds that it will be at level 126, 5 - 6' above the bottom basin.

EN asks how high it will be above ground.

B. Lord states that there will only be a berm on one side

EM asks if they will back up the berm there or if they will fill it out.

B. Lord states that there will be no water there. They will be

filling above the water table.

F. Gallagher explains that it should be drained dry before construction. The bottom of the basin will be above the level of the downstream area. They need to drain the water which sits there. He thinks it will be muddy. There is still groundwater seeping which will be handled with the outlet.

EN asks if they have to put in gravel or something.

EM asks how far down the water table is.

F. Gallagher responds that there is a test pit 3' down. It will stay at that level.

EM asks where the foundation which is full of water is. Every test hole is full of water too.

B. Lord explains that it is all clay surface. There is no place for the water to go and there is no sun to absorb it. The drainage is not in place yet.

EM asks how the water got in there to begin with.

B. Lord responds it is the melting snow.

Alfred DaPrato, developer and owner, states that the water is pooling there but will be drained once they build.

F. Gallagher notes that it is not an indication of groundwater.

EM points out that the Conservation Commission said they would have new gravel where the septic systems are. The footing is still there too.

PC states that all holes which were dug for test pits should be filled in and graded. EM and he walked the site. All the holes should be filled in so they won't fill with water and go onto the neighbors property.

EM thinks that the holes should be filled in when it is done and all cleaned up.

B. Lord believes that the Conservation Commission and Amory engineer are both satisfied.

EM asks the quantity of units.

B. Lord responds they will have 6 in each building with 24 units total.

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A. DaPrato notes that only 18 are up.

B. Lord did eliminate one building.

RL refers to the stand pipe. He thought that the footing was too close to that. He asks why they chose that instead of another.

A. DaPrato responds that the footings are already in.

F. Gallagher states that the area will be cleared and excavated.

RL asks if the other areas will be cleared too.

F. Gallagher responds that it has not been totally cleared now. They will cut more trees.

EM notes that there is very little screening and one can see every backyard. There is a cave behind the building which was eliminated. Rocks were pushed in and water washed it through. Everything should be filled in and graded.

B. Lord advises that it will be taken care of.

RL indicates that they still have double slider openings.

A. DaPrato will have no walkouts. They will close it up.

B. Lord thinks there is a small deck on all the units.

RL points out that the original plan showed grading right up to the foundation.

B. Lord explains that they will have a condo area and the area around the units in common ownership. A condo fee will be assessed. If someone has an apartment, it will effect the rest of the association.

PC asks if they will have a drive going out where the big openings are.

EM's site visit showed that the buildings are all unfinished and not ready for occupancy.

P. Herr tried to reach Mr. Sexton from Amory Engineers but could not. He did not find the letter perfectly clear. It says that he finds the drainage calculations to be acceptable but does not actually say that the scheme is acceptable. He guesses that Mr. Sexton would have said o'kay but they can not tell that from his letter. His concern is whether or not it is a good idea to enlarge the detention basin. There is also a lot of concern about the

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trees being cut and they do not know how much more will be cut.

RL thinks that they will cut considerably more trees if they expand into the hill.

P. Herr states that this is all new tonight. It would be good to understand the trade off. The Conservation Commission wanted a tradeoff between raising the elevation and broadening the pond detriment. He asks if the berm will be higher or will remain in the same location.

F. Gallagher responds that the wetland side will be maintained. It is flat across the top and will slope to the side with the edge moving away. A cross section of sheet 4 shows they cut through a section of the berm. The last sheet is the detail of the berm and what materials it will be constructed of. The detail of the emergency spillway will be on sheet #2 which is another revision which they did not see previously. The material specified is impervious soil burrow.

EM states that there are no trees within 20' and no additional trees will be cut.

F. Gallagher does not know if they have to cut any more trees. There may be 10 - 20' of trees lost. They are going out another 20'.

EM did not see much brush when he walked the site.

PC notes that there are no trees all the way to the fence.

EM thinks they will going right to about where the fence is. They shouldn't have to cut trees.

F. Gallagher explains that water is leaching out of the sides continually. The slope could slump and fail. T. Sexton from Amory said there were two options. They could subdrain to intercept the groundwater or they could fill it above the groundwater level. The Conservation Commission posed the two alternatives during the onsite visit when they said they want the basin expanded and built above the groundwater level. It is preferable to putting in a subdrain because it may become a maintenance problem. The Conservation Commission rather put it above the groundwater level. The clearing will not be extensive.

EM asks if the increase in runoff will meet the 10% restriction.

P. Herr responds that it will meet it.

F. Gallagher indicates that there will be no increase in runoff

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because they are discharging from the site or discharging into the culvert on Indian Run Road, both of which are included on the analysis which was done. It ultimately goes into Lake Hiawatha.

EN discusses the right of way to go into Lake Hiawatha.

A. DaPrato bought the lot on Indian Run Road to give to the town as an easement for the culvert.

EARTH REMOVAL AND WATER RESOURCE REVISIONS PUBLIC HEARINGS

EM opens the hearings and asks for a motion to continue for 15 - 20 minutes because this discussion is running late.

EN makes a motion to continue to 9:20 p.m. RL seconds. Vote of 4 (EM, EN, RL and PC). AM absent from the room.

CHESTNUT HILL CONTINUED

F. Gallagher explains that they made a decision at the conceptual stage that this does not work as a retention pond. It needed an outlet to make the detention basin work. They knew that there were wetlands downstream. They need to get the water into the wetlands and submitted a concept showing a pipe down along the lot line to the wetland off site. They had a botanist flag the wetlands and filed a Notice of Intent with the Conservation Commission. The wetland is up to the edge of the property and extends onto the property of the abutter. They have a 20' easement across the property of Claire.

EN notes that Chestnut Street has an underground brook which goes across 126 into the Schaeffer Farms area.

B. Lord believes that Steve Boch went before the Conservation Commission to fill the wet area below there. He thinks it is culverted.

EN does not think there is anything on the Schaeffer side.

B. Wozniak believes that there is a 20' wide drainage easement.

F. Gallagher explains that the pipe comes across and crosses a stonewall. He points out where it leaves the owner's property and crosses onto the Claire's property.

B. Lord further explains that it is a written easement which will be part of the condominium association. If it needs maintenance, there will be adequate room to get to it.

John Ruggerio, 7 Partridge Train, asks the height of the berm.

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F. Gallagher responds that it is at elevation 321 now and will be at 326 when completed. They will loam and seed and have a grassy slope.

EM thinks that shrubs are better.

F. Gallagher states that they try to discourage woody growth so they can get there to maintain it. They will have an 8' fence along the perimeter.

J. Ruggerio asks how it will be drained and where it will be drained to.

F. Gallagher answers that it will be drained into the wetland and sent through a filtration process first. It will be pumped through gravity flow. When they lower the outlet, they will lower the groundwater.

B. Lord states that because it will be above the water table, it will be dry 99% of the time.

J. Ruggerio asks how the mosquito situation will be effected by increasing the size of the pond.

EM points out that there will not be constant standing water most of the time.

F. Gallagher states that the only time they will have water is during a storm event. It will dissipate within 48 hours.

Mrs. Ruggerio asks if there will be a construction bond and how much it will be.

B. Lord responds that no bond is required during construction.

Mrs. Ruggerio brought that up at another meeting and thought that there would be a bond.

EM explains that subdivisions require bonds to ensure that the road is completed. Condos don't have to put up a bond.

Mrs. Ruggerio asks what happens if they have a problem when it is being built.

EM states that Bucky Drive will have a bond on a small portion of the road.

Mrs. Ruggerio thinks they should have a bond in case they get flooded out during construction. She asks who they would sue if there was a problem.

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EM responds that it would be the association or the builder. The town can't make them put up a bond.

Mrs. Ruggerio asks why the town can't do anything for them.

P. Herr is looking to see where it says that the Board can't require a bond. It hasn't been their practice but it has been done.

EM could run it by Town Counsel to see if they could have a bond for 1-3-4 or 5 years in order to prove that the drainage system works or the developer could eliminate another building.

B. Lord states that they will see the structure working before occupancy. The whole structure will be in place before the first occupancy permit is given.

P. Herr indicates that it failed before occupancy before. Both the retention facility and the developer failed. The concern is legitimate. Another question is whether or not the Board has looked at the new parking configuration and circulation when the two buildings are removed. It ends at a dead end and ends at a dumpster. There was a cul-de-sac but there is not provision for a turnaround now. There is no way for a UPS truck to turnaround.

RL does not think it would be much trouble to put in a cul-de-sac.

J. Ruggerio believes that the original plans included a fence around the perimeter.

B. Lord states that they will have a stockade fence where there are residents and a chainlink fence where there are no residents.

J. Ruggerio asks if there will be trees planted around the fence.

B. Lord responds in the affirmative but they will be on the inside. There would be no maintenance if they put them on the outside.

A. DaPrato has no problem with putting them on the outside of the fence.

EM states that the question of a bond should be looked into.

P. Herr indicates that the bonding should provide for damages and restoration of the structure.

B. Lord states that it could be done through an insurance liability policy.

P. Herr points out that it should survive all contingencies

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including if the developer is not viable. He asks if the Board wants to include a build out rate.

EM states that 18 area already existing so they are only talking about 6 more units.

B. Lord asks what the Board needs at the next meeting.

P. Herr wants to see a means for vehicles to turnaround in a parking area. The drawing should enable people to visualize the nature of the structure. Maybe he'll draw it.

B. Lord would like to have a decision by the last meeting in April. He will provide the materials needed.

EN thinks that it should all be worked out beforehand.

RL moves to continue to April 13, 1995 at 9:15 p.m. PC seconds. Vote of 4 (EM, EN, RL and PC). AM abstains.

WATER RESOURCE DISTRICT PROPOSED BYLAW REVISION
PUBLIC HEARING

DPW Director Donald DiMartino explains that this proposed Bylaw revision is to adopt maps as zone 2 as delineated by the state. The state recommends that the town accepts these maps. He is here to answer questions from the public. They are adapting and complying with state regulations. They had a map which P. Herr drew several years ago. It delineated all the wells in zone 2. They are really taking the map which they have and matching it to zone 2s which will save the town money.

P. Herr refers to the northwest side of town. What is there now will be replaced.

D. DiMartino states that the DEP recommends an interim zone 2 for the area around well #5. After July 1, 1995, they will go out to bid. The zone 2 delineation will probably be adjusted. The lines area is related to geography and analysis geography. The wells are now included on the map also. Cumberland Farms has been taken out.

EN makes a motion to recommend the Water Resource District Map and Revisions to the Annual Town Meeting. RL seconds motion. Unanimous vote of 5 (EM, EN, AM, RL and PC).

RL wants a zoning map which can be colored in to use for all the zoning changes at the Town Meeting.

P. Herr can do that.

EARTH REMOVAL PROPOSED BYLAW REVISION
PUBLIC HEARING

P. Herr explains that this Bylaw revision is here at the suggestion of the Building Inspector. This spells out more completely what needs to be on the plans.

EM asks in what way this makes it clearer.

P. Herr states that it says to delete Section 4631. The key difference is that presently there are no requirements below which excavation takes place. The language is not clear regarding the proposed vegetation and the trees. It specifies what the scale will be.

EM notes that this will provide for an advisory review by the Planning Board. This way the Planning Board gets to look at it.

EN makes a motion to recommend this Bylaw revision to the Annual Town Meeting. RL seconds. Unanimous vote of 5.

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GENERAL DISCUSSION

Discussion follows relative to having 18 units instead of 24.

B. Lord will stipulate that the additional building will not be built for a year from now.

EM is concerned because there is no pavement now and there is already a problem. The additional pavement and additional building will add more runoff.

B. Lord explains that it will be channelled. They are willing to stipulate to a one year delay before they put up the other building.

EM can approve with 18 and then come back to amend to 24 and/or 36 to make sure that it works.

B. Lord will stipulate to a final building delay to April 15, 1996.

EM thinks that everyone assumes that the buildings that are there are the only ones.

B. Lord states that they filled in the foundation with gravel. He doesn't believe there is a footing there.

RL can't see putting a foundation on a footing.

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EM will ask P. Herr to check the plans to see if there is a cellar under the plans.

P. Herr does not think that he has the architectural plans but will check.

B. Lord will talk with A. DaPrato and F. Gallagher relative to what they can do about the last building area.

ALGONQUIN INDUSTRIES

DEVELOPMENTAL PLAN REVIEW MEETING

P. Herr was sent the drawings but they do not have all the information required for a site plan review. They are proposing to do what was pointed out that they could not do in the last submittal. They are closer to the street line and less than 100' setback which requires a variance from the ZBA. What is shown is different than what was approved last time. It shows the parking different in two respects but the building is shown as approved.

Jeff Ballou, New England Construction, represents the engineering firm who submitted the last DPR.

P. Herr reviews the plan which was approved and states that what was approved is shown.

Kaz Kasper, applicant, is not looking for more parking.

P. Herr asks why they don't measure the setback perpendicular to the street. The actual is 48' with 100' being the requirement.

J. Ballou notes that the corner lot is 100' from the zoning district. They can put the addition perpendicular with the front of the building. They can resurvey the building addition back 2' to achieve 100' from the setback.

P. Herr indicates that when the previous addition was brought a year ago, it was pointed out that they were increasing the existing nonconformity of the building so it did not get done. The requirement for the front yard equals 100' distance for industrial which faces residential. It is not the distance to the district but the distance to the property line which counts. The Board of Appeals could give them a variance. They are 50' short which is half.

J. Ballou spoke with the Zoning Officer who told him they had to be 100' away from the zoning district.

P. Herr responds that is not what the Bylaw says. Zoning says that the yard must equal 100'.

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J. Ballou met with the Zoning Officer who told him it was o'kay.

P. Herr further explains that the plan is grossly inadequate. This Board is not allowed to grant variances.

EM asks if the fact that there was a zoning change made a difference.

P. Herr states that the requirement is for a yard and not a district. J. Emidy is looking at it as a buffer. He will discuss it with him. They show two extra parking spaces. The drawing is insufficient. Maybe the applicant is here to generally discuss what they are doing.

J. Ballou points out the existing building.

P. Herr notes that the back part will be two story.

EM remembers that they had more complaints from neighbors on the other side because they cut trees on their own property.

P. Herr does not know what the topography does. What will happen with the drainage?

J. Ballou responds that it will be sheet flow across the parking lot.

P. Herr asks how the storm water drainage will work.

Clerk reads previous letter of approval from the Board to the Building Inspector dated April 26, 1994 stating that the Board approved the plan showing an additional 36 parking spaces for a total of 66 with expansion potential for 20 extra which may be added at a later date.

P. Herr asks if the additional parking does exist.

J. Ballou put it in so the Fire Dept. could get to the siamese connection. The parking is in but it has not been striped.

EM states that part was not approved as P. Herr pointed out.

P. Herr asks if the grading is right. It is steep for parking.

J. Ballou states that the water goes in sheet flows to the highway.

P. Herr indicates that this is one of the more sensitive pieces the Board has looked at. The Board should consider decisions more closely before they give carte blanche approval for applicants to put in more parking. The Board should continue until the applicant

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goes to the ZBA to get a variance.

EN makes a motion to continue the Algonquin Developmental Plan Review to June 8, 1995 at 8:00 p.m. AM seconds. Unanimous vote of 5 (EM, EN, AM, RL and PC).

Applicant will have to obtain an abutters list from the Assessors and give to the ZBA before they can schedule a hearing.

SUBMISSION

B. Lord submits an 81-P for Burt Rhodes for property located off Lake Street. The property will be transferred to John Tuttle because they are adding land to the Tuttle's lot.

EM thinks there should be a notation on the plan that lot C1 is coming from somewhere. He asks who owns the property next to it. He wonders if Burt owns the land around it.

P. Herr states that the question is whether or not it is a subdivision.

EM states this is the first time he saw an 81-P which does not say this lot is being taken from here and joined here. It should at least say lot C-1 is joined to lot C.

P. Herr indicates that the notations do not need to be there in order to record the plan.

AM makes a motion to approve the 81-P. RL seconds. Unanimous vote of 5 (EM, EN, AM, RL and PC).

MINUTES ACCEPTANCE

EN moves to approve the February 23, 1995 minutes. AM seconds. vote of 4 (EM, EN, AM and PC). RL abstains because he was absent from that meeting.

B. Lord asks if there is any problem with him putting the notation on the original.

EM responds in the negative.

B. Lord will provide copies to the Board after the original is changed.

HICKORY HILL DEFINITIVE SUBDIVISION
DECISION ENDORSEMENT

Clerk reads letter from Town Counsel Lee Ambler relative to changes

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he requests in this decision and the decision form in general.

P. Herr does not feel that it is necessary to change the subdivision Rules and Regulations solely for that purpose.

Clerk will make the revisions whenever she prepares decisions.

RL moves to endorse the decision. PC seconds. Vote of 4 (EM, EN, RL and PC). AM abstains.

Discussion follows relative to berm requirements. RL would like to see a review of the situation.

AM states that if it is a requirement of the subdivision regulations, they could require the Highway Dept. to use granite curbs.

HIXON FARMS PRELIMINARY SUBDIVISION DISCUSSION

P. Herr was sent a schematic drawing for a cluster subdivision showing 20,000 square foot lots. He asks if they are proposing sewerage.

EM responds in the negative. There was never any sewerage there.

P. Herr refers to the Bylaw which says that they build clusters to residential standards sewered or demonstrated to meet the Title 5 requirements. They would all have to be small houses.

B. Lord believes that this is an ideal area for a cluster but there are two things working against each other: Beaver Pond and Title 5.

P. Herr states that the plan continues to show the detention on the side of the hill which raises the caution flag. The detention facility is in the reserved open space area.

EM asks why they would want to have a detention area which would need to be maintained. He asks if P. Herr has spoken with the engineer.

P. Herr responds negatively. He asks the relationship between the cluster plan and the rezoning petition.

B. Lorde explains that the Board asked the applicant to show what he intends for development to the entire parcel. They are petitioning for rezoning in order to do that. They will provide an overall development picture. They will deal with the parcel as a whole. The cluster will preserve Beaver Pond.

EM discusses a lot on Old Log Lane which belongs to the

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O'Donnell's. They have a house which received a variance for two family last year from the ZBA. Her daughter will be moving into the house with her family. Mrs. O'Donnell and her husband want to convert their garage to a house. They want to go back to a single family with the house and also have a house over the garage. He told her to go back to the ZBA to get a variance.

RL asks if there is anything they can do to stop subterranean common walls in condos. They connect two houses by underground foundations.

EM states that the Board approved it for DAVNA. It seems a waste to put it in underground.

P. Herr could change the law to allow structures to be considered multifamily or they could go the other way.

RL wants to go the other way and disallow as condos. The Board should make a decision either way. Without the wall it is a cluster. The land is still common. The underground wall effects the drainage and runoff. They should do something before they come across a decision. They should do what they want now.

P. Herr refers to the only clusters in town including Whispering Pines, Roger Belanger and Rosenfeld Way. It is not a big problem at the moment. If they don't like it, they can disapprove it.

RL would like to see a single family subdivision on Fafard's land at Shores at Silver Lake.

Clerk reads letter from D. Fraine, dated relative to setting up a committee to study the sign bylaws. He asks to be notified of the Planning Board representative as early as possible.

EM will be the Planning Board representative.

AM moves to adjourn at 11:35 p.m. PC seconds. Unanimous vote of 5 (EM, EN, AM, RL and PC).

Edward T. Moore

Edward T. Moore, Chairman

Emile W. Niedzwiedek

Emile W. Niedzwiedek, V. Chair

Anne M. Morse

Anne M. Morse

Roland R. LaPrade

Roland R. LaPrade

Paul Chupa

Paul Chupa