

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

APRIL 13, 1995

Meeting commenced at 7:30 p.m. All members including Associate Member William Wozniak were present.

ELM ESTATES

DISCUSSION WITH RESIDENTS RE: DRAINAGE PROBLEMS

EM explains the public meeting procedure. Audience members are advised to raise hands and state names and addresses when they are called upon.

Don Driscoll, 9 Bellstone Drive, explains that they are here to try to get the Planning Board to enforce the revised plan. There was a drainage problem so the builder was told to put in trenches, easements and pipes to redirect it. The plan, revised in August 1986 shows drainage easements which is what the Planning Board suggested that the developer do. He refers to a lawsuit relative to the development.

EM asks what lawsuit he is referring to.

D. Driscoll responds that it was between the residents of Elm Street and the builder.

EM asks what has not been done.

D. Driscoll explains that there is a lot of water coming out of the properties into the road which is not finished. The catch basin and drainage are in but the finish surface for the road is not up to the catch basin. Roger Gagnon is the builder. There is water in the street which flows from the yards. The land is graded off the hill. The builder was told he had to build a trench in the back of the properties. The trench was supposed to catch the water but there is ground water. The trench is long enough behind all the houses but it is not deep enough.

AM asks if the town is holding a bond.

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D. Driscoll responds that the developer is ready to finish the road. The town won't accept the road with the water flowing down from the properties. There is a stream from the neighbor's yard to the side of the driveway. There was supposed to be a pipe there. The developer wants to come in and redirect the trench to 4 - 5' depth and leave it. He went to the Conservation Commission and told them that. The trench runs to the side of his yard. He points out the trench, manhole, catch basin and two retention ponds on the plan. The drainage is supposed to be interconnected to get there. Water is popping up in the backyards.

Elaine Driscoll met with the Conservation Commission in February 1995. Roger Gagnon was there and is aware of the situation.

D. Driscoll states that the developer keeps saying that they have to wait until it dries up. The residents need to have this taken care of properly. They had two civil engineers look over the area and they both said the same thing.

EM explains that there is no way to release the bond without a letter from the Highway Dept. saying that it is acceptable. No one will accept the street without knowing what is going on first.

D. Driscoll further explains that there are sink holes.

AM believes that it definitely needs piping.

EM thinks they should send a letter to Mr. Gagnon and ask him to come in. He will go up and take a look at the area. The FDIC put up the bond. He asks if there are any additional lots.

Jim Shilkey, 3 Bellstone Drive, responds that there is one additional lot which will be closed on at the end of the week.

Mike Connor, 13 Bellstone Drive, states that they are concerned that the developer will fix the road and water and walk away with his \$35,000 bond. He told them he could fill in the trench and that it is no longer needed. The developer dug large holes and buried stones and sand, stripping the land.

E. Driscoll further notes that there are major sink holes 5 - 6' deep.

EM will talk with Denis Fraine.

M. Connor asks about the possibility of Mr. Gagnon obtaining release of his bond and walking away from the situation. He can make the road bounce if he stands on parts of it.

EM asks how long the binder has been there.

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M. Connor responds that it has been 7 - 8 years and is crumbling. Roger wants to put the topcoat on. The binder is crumbling whether it is wet or dry.

RL suggests that the Board write a letter to the Highway Dept. and ask them to check the situation right now and inform the Board of the conditions.

EM explains that the Highway has to inspect the road and sign off when everything is done. The Board relies on them to do the inspection. Conservation Commission should also be sent a copy of the letter. The Highway letter should ask Mr. DiMartino to inspect the road and drainage since there is a problem with surface water and/or runoff and also if there is water flowing underneath the road which is undermining the road.

John Cauker, 22 Bellstone Drive, is concerned that the developer will open the trench during the dry season and say that everything is all fixed. Then he will put the topcoat on, say it is all finished and run.

AM states that there is usually pipe and stone in the trenches.

J. Cauker further explains that the developer tried to divert water without his permission and created sink holes when going across his property.

Mrs. Cauker points out that the trench is open and closed all the way down the street. Their house is not up yet.

EM explains that Roger is the only developer who got the FDIC to put up money for his bond when his Letter of Credit was no good. The Board should send a copy of the Highway Dept. letter to the FDIC so they are aware of the existing problems.

M. Connor indicates that Roger has to pay the FDIC between \$30,000 and \$50,000 after each lot is sold.

B. O'Connell, 18 Bellstone Drive, asks if the \$35,000 bond is enough.

EM responds that it is based upon the Highway Dept. inspection of the work which has to be completed.

AM believes it is definitely to the developer's advantage to fix these problems.

Dan Ahdad, 17 Bellstone Drive, asks what the chances are of the Board coming down and looking at the area. He had a drainage system which was built in the back of his yard. Even when it is

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dry, there is still 4' of water.

EM will go and look over the area. He notes that they need to find out if the scheme works as presented and approved. It will probably take 1 - 2 weeks to obtain a response from the Highway Dept. Someone should call Clerk to obtain an update.

? from the audience asks how the Building Inspector can approve for permits without the proper drainage.

EM responds that the Building Inspector only inspects the buildings, not the drainage.

AM explains that the Conservation Commission does the Order of Conditions and Certificate of Compliance.

EM will check with the Conservation Commission.

? asks why the lots have continued to be sold with this type of water problem.

EM will check with the Conservation Commission, Highway and Town Counsel. Clerk to send letter to the Highway, with a copy to the developer and FDIC.

E. Driscoll will call Clerk for an update.

RIVERVIEW PARK, PHASE V
CONTINUED PUBLIC HEARING FOR DEFINITIVE SUBDIVISION

Janice Hannert, Fafard, is here on behalf of the Phase V owner, Dick Hill, to request a 6 month extension or if the Board feels it is appropriate she suggests they request a one year extension. The reason for the extension is that the town has an interest in the parcel for use as a water well. It is in the parties best interest to continue for one year.

RL moves to continue the public hearing for Phase V for one year to April 11, 1996 with an extension to April 25, 1996. PC seconds. Unanimous vote of 5.

J. Hannert will forward an amended letter for the one year continuance.

JANICE HANNERT 81-P SUBMISSION
SHORES AT SILVER LAKE PARCEL

J. Hannert explains that a discussion took place relative to this 81-P at the last meeting when P. Herr was here. She presents the plan which was sent to P. Herr who reviewed it. It is the same

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plan which was discussed at the last meeting with one change of elimination of the line. The Board is acting on lots 4, 5, 6 and Parcel A which is not a buildable lot. They are showing 3 separate lots.

Clerk reads comments relayed to her during a telephone conversation with Joseph Carroll, associate in P. Herr's office. He stated that the only problem was the right of way as it goes up north. The plan was drawn with a boundary line up the right of way. If the boundary line ends at the right of way, they will have to put in a cul-de-sac. If the right of way line is going to continue it is o'kay.

RL asks about the road extension.

J. Hannert responds that it is shown as Parcel A which is not a buildable lot.

EM thinks that it could be extended later.

RL asks why they don't do it now.

EM does not think that it is consistent with the plan now.

AM makes a motion to sign the 81-P for 4 lots. PC seconds. Unanimous vote of 5.

RL asks where the frontage is for lot 4.

J. Hannert responds that it is on a street which is not built. The road is not in yet. She points out that there is a section shown on the form which says that the lot could be on a road which is on a way shown on a plan approved and endorsed.

Members sign plan and \$40.00 fee is presented.

PAT ARNOW 81-P SUBMISSION

Pat Arnow, submits the 81-P which he presented at the last meeting for Farm and Granite Streets. He added the lot shape factor.

AM moves to approve the 81-P for Toby Cossman and Mildred Yonman. RL seconds. Unanimous vote of 5.

HIXON REZONING

PUBLIC HEARING FOR PROPOSED TOWN MEETING REZONING REQUEST

Clerk reads notice of public hearing.

EM explains hearing procedure. This is just a hearing to see if

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the Board will recommend the rezoning. This hearing does not rezone the property. Only Town Meeting can rezone property.

Bruce Lord, Esquire, is representing Robert Stockton, owner of the parcel of land. There are two separate things before the Board tonight. One has to do with a subdivision which will be done later. He presents the plan and explains that the yellow on top is zoned industrial. The pink delineates the zoning line. The intent of the zoning article is to rezone only Mr. Stockton's land which is presently zoned industrial. 495 Associates owns industrial land which is partly in Milford and partly in Bellingham. The owner of this parcel wants to get all his property in the same zoning district. It allows development which is compatible with what is out there and prevents the industrial from coming in. It allows the owner to get all his land in one area and plan as a whole instead of piecemeal. They are asking for all the owner's land to be rezoned. He has 62 acres, 50% of which is industrial and 50% is suburban. They are asking to rezone to suburban, the same as the rest of it.

EN asks about the 10.2 acres below.

B. Lord responds that it is zoned suburban and is owned by Varney Brothers.

EM asks about the zoning on the right side of Hixon Street.

B. Lord responds that it is zoned suburban. The owner wants to make everything compatible.

AM states that it is her understanding that one can't access industrial land through residential.

B. Lord indicates that the owner can't come in with a plan for that part of his land. It is not a good situation with being landlocked.

EM asks if the owner has access through the Milford industrial land.

B. Lord responds that the property is landlocked where this particular owner is concerned. It is unlikely in the future that he will have industrial access to the property.

EM thinks that someone could come down through Milford.

B. Lord believes that it is reasonable use for the property to be zoned suburban. It would bring the entire property with a total acreage of 62 into the same zoning. 33 acres is presently zoned industrial. There is residential along Valley View.

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AM notes that the property currently can't be used.

B. Lord agrees. The rezoning has landlocked the property.

RL points out that B. Lord said this is not connected to the next discussion but it is. The owner came in with a preliminary plan but the Board said they wanted to see the entire intent for development of the area. The owner had said that he was not interested in further development of his property.

B. Lord used to live in Valley View and got Town Meeting to approve to push the industrial away. This rezoning would allow for further protection for the residential and keep it from industrial use. There are 200 acres in Milford but there is a lot of wet area with Beaver Pond. The Board will hear details relative to the cluster proposal later.

EM explains that there is a preliminary subdivision before the Board right now but there has been no formal submittal. He had a conversation with Conservation Commission Chairman Cliff Matthews relative to this matter. No one has applied for a special permit for a cluster yet.

B. Lord thinks it will be before the Board before the Town Meeting considers the rezoning. He refers to protection to Valley View. Rezoning allows the developer to plan the use of his land and ensure that industrial does not go anywhere further. The lots would be 40,000 square feet.

EM does not see how it would create havoc if it is developed from the other end. He reads comments from P. Herr, dated April 12, 1995, faxed to him yesterday which states that the Hixon Street rezoning should be considered both at the neighborhood scale and at the larger community scale. At the neighborhood scale, the rezoning would remove concerns which residents in the vicinity may have regarding the potential for nearby industrial development which could be damaging to their interest. On the other hand, there would be a detriment to those who use Hixon Street, since the added dwellings which this rezoning would permit would rely upon Hixon Street for access, and it is a street of very limited capacity. Were the land in question to be developed for industry, its access would almost certainly be from Milford. Nutrient loading impacts upon Beaver Pond are a legitimate concern. Any industrial development here would probably be sewerred from Milford, special legislation having previously been obtained to authorize that. Further, the typical site development for industry in that vicinity has been to have only limited fertilized lawns, leaving unbuilt-on land largely in a natural state. Dwellings would certainly rely upon on-site disposal systems and would likely have large lawns, resulting in much higher nutrient loading rates to the

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pond. At the community-wide scale, the questions to be considered are these. * Residential/industrial conflict. The present potential conflict is real for residents of Valley View Road, reduced somewhat by the 400 foot distance between the district boundary and the road, which provides at least some buffering for those residents. The rezoning as proposed would not eliminate a residential/industrial conflict, but would relocate it to the north and west. No buffer is provided in the present proposal, and to obtain a legally enforceable one would be difficult at this point. * Interest in preserving industrial land. There is a huge acreage zoned for industry in Bellingham, but there is no super-abundance of well-located industrial land. Unless hearing that there is active interest in development by the Milford/Bellingham Technology Park owners, the industrial potential of this parcel is small at best. It does not have the kind of access and utility support needed for industrial use unless made part of a development served from Milford. * Concern over residential development impacts. These 40 acres could mean a substantial number of school children if rezoning added to the number of homes built in the town. In the near term the market, not sites, limits the number of homes being built town-wide, so that impact should probably be given small weight. The traffic impacts are more immediate and troubling. This rezoned area could add almost one vehicle per minute on Hixon Street in peak periods. Current zoning means very small likelihood of traffic onto Hixon Street. He has not seen any indication of the street configuration which would be used should this land be developed for homes. It is possible that a good circulation system could be devised, but there are clear concerns in light of the present road location, topography and wetlands. In fairness to the property owner, the property is probably of very limited value in its present zoning, but would be substantially enhanced in value if rezoned.

AM thinks it slants towards not rezoning.

EM states that there is no guarantee it will be developed from Milford.

B. Lord points out that this land has been in the same family for 50 years or more. It was a farm. He does not think they were concerned about the rezoning at the time it took place. The rezoning was essentially a taking of the land. It is not good farmland. The impact to Valley View is serious if it is ever industrially developed.

EM notes that it has a buffer.

B. Lord indicates that in the past the Board has allowed a landowner similar zoning for his land. The owner has tried to work with the town for development of the land. They are trying to plan

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the use of the development. The traffic on Hixon Street will be addressed with the subdivision.

EM states that there is no way to do anything about Hixon Street below.

RL notes that a car can barely get by.

AM indicates that this development could bring in 35 more houses.

B. Lord does not think that they can deprive the owner of his property.

AM thinks that Hixon Street is already inadequate.

B. Lord reiterates that the landowner is trying to plan the use of his property. He is trying to work with the Planning Board. He convinced him to go for the rezoning so the Board could look at the property as a whole. P. Herr referred to the parcel as 40 acres but it is probably closer to 30. They should allow the landowner reasonable use of his property.

AM wants to bring up the issue that if the parcel is developed industrially there will be buffers.

EM also notes that there will be site plan reviews for each building.

B. Lord is not threatening but is giving both sides of the issue. They want to plan the proper use of the land. The only way it will be developed is if it is accessed through Milford. 495 Associates owns 200 acres.

EM states that there would be setback requirements all around the parcel. He asks how the change will effect the piece in the middle.

B. Lord refers to the Zoning Map in the back of the room. All the purple area is owned by 495 Associates. They are currently dealing with the point.

B. Wozniak notes that the rezoning is not a straight line.

EM explains that there is a preliminary subdivision pending before the Board for the proposed pink area. Abutters have not been notified because it is not at the definitive stage.

RL explains that there are 21 houses in the preliminary.

EM asks how it was zoned suburban for one part and industrial for the other.

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B. Lord does not know. He talked with P. Herr's office. The reason for the division was the stream which was there and made the rezoning convenient.

B. Wozniak asks who owns the 24 acres.

EM responds that it is town owned conservation land.

B. Lord indicates that the Belanger Drive area is a cluster.

EM explains that in order to get a special permit for a cluster, so many acres have to be deeded to the town for the Conservation Commission.

B. Lord further explains that the town allows 20,000 square foot lots which is half the requirement for suburban zoning and the rest is deeded to the town.

EM calls for questions from the audience.

Doug MacLachlan, 8 Barrett Lane, refers to the frontage lots on Hixon Street which adds to the traffic impact. He is concerned about 21 additional and possibly 35 more.

B. Lord explains that the land area is 40,000 square feet but the lot itself would be 20,000 square feet. They will keep the same high priced housing. The advantage of the cluster is to preserve open space. The house is built on a small lot area with open space behind it.

EM notes that a good example of a cluster is Belanger Drive where the land was deeded to the Conservation Commission.

D. MacLachlan refers to Hixon Street which is 11 - 14 feet wide on some parts. Now people pull over to let someone else go by. There is no way to improve or widen the road.

RL suggests that before rezoning, someone talk with 495 Associates to see if they would be interested in making an access come from Farm Street.

B. Lord states that someone talked with them before but they are not willing.

Frank Morse, former IDC Chairman and a builder, has a problem with removing industrial land from the town. The land has a potential to make money for the town instead of homes. He asks if the trade off makes sense since it will be for the benefit of one person. He thinks that it should be looked at more in depth before they take industrial land and totally remove it. Industrial zoning is the

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highest tax base in town for a reason.

B. Lord does not disagree about taking industrial land out but this parcel is landlocked and it is behind residential land. It is not a good situation for the town or the landowner. This gives the owner an opportunity to plan development of the parcel.

Gary Belcher, lot 3 Hixon Street, states that when he purchased his lot, plans for the area in pink were for 8 lots. If it benefits the town to do a cluster, then the owner should have to give the land to the town to protect Beaver Pond but keep the same size lots.

B. Lord indicates that they will not be lesser type buildings. A good cluster is a better development.

? voices concern about developing individual lots which would each have frontage on Beaver Pond. Clustering restricts so everyone will not have a dock on the pond.

Joe Ciminetti, Hixon Street, heard a lot about preserving Beaver Pond but asks how it can be preserved with industrial zoning and building going on.

B. Lord explains that Beaver Pond is the only fresh water lake in town. This would preserve another part of Beaver Pond which is one of the few natural areas.

? states that industrial zoning does not mean that Beaver Pond will be negatively impacted.

J. Ciminetti asks why they should worry if the property is landlocked.

EM responds that it is landlocked from Bellingham but not Milford.

J. Ciminetti put in 7 calls to the developer of the house across the street and town officials because of the trash in the area from the construction. Everyone is concerned about preserving conservation land, but this is part of the ingredients that goes into the building. Insulation and tar paper are littering the area.

Mrs. Ciminetti further explains that the builder does not empty the dumpster which has no cover. It was emptied after she called several times. If more houses go up, they will have the problem constantly.

EM states that the Board of Health should do something about the problem. He suggests they speak with Bill Cummings, Chairman of the

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Board of Health.

EN notes that the Planning Board is not the enforcing body.

John Henderson, 49 Hixon Street, believes that if the land remains industrial there is minimal possibility of it being used for industrial purposes, however, if it is rezoned there is a real possibility that it will cause problems to the Hixon Street residents.

Tom Decharme, Walter Morse Road, agrees and is concerned about children playing in Walter Morse and Belanger. They can't even get by in the winter time. The road cannot handle more.

AM explains that the Planning Board only recommends to the Town Meeting. The actual rezoning is not handled here. Concerned residents should really go to the Town Meeting. The decision is based on the attendance at the Town Meeting.

Patti Fisher, Barrett Lane, asks when they will know the Board's decision.

RL makes a motion to close the hearing. AM seconds. Unanimous vote of 5 to close.

AM moves to not recommend the Hixon Street Rezoning to the May 1995 Annual Town Meeting due to the impact on Hixon Street which is inadequate already and cannot handle more traffic. PC seconds more. Unanimous vote of 5.

PC notes that the vote does not mean that the rezoning cannot pass on the Town Meeting floor.

RL would like to see the landowner work with 495 Associates to work out access through Farm Street.

HIXON FARMS PRELIMINARY SUBDIVISION
CONTINUED REVIEW MEETING

Fred Lapin, Shea Engineering, is trying to get some feedback.

EM suggests putting off this discussion until after the Town Meeting consideration of the rezoning.

F. Lapin explains that they submitted a conventional layout from the beginning. The cluster was then submitted to preserve open space at Beaver Pond.

EM explains that two different plans were submitted. One is a preliminary and the other is a sketch of a cluster which may or may

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not be better. He reads letter from the Fire Dept., dated April 6, 1995 relative to receipt of the plans. The Fire Dept. reserves the right to comment when definitive plans are received relative to the water mains, hydrant locations and street names. This refers to the recent plans which were submitted.

F. Lapin did redistribute the cluster plans.

EM reads letter from Donald DiMartino, DPW Director, dated April 12, 1995 wherein he states that he has briefly reviewed the plans titled "Cluster Lot Layout Plan" dated March 8, 1995 for this proposed subdivision. This plan addressed his previous concerns regarding the looping of the water main back onto Hixon Street. However, this layout creates a new dead end to replace the one eliminated by the loop of the main street back to Hixon. The typical advantage of a cluster plan is the construction of less roadway. This means less roadway than the town would eventually have to maintain and less impervious area to affect runoff. Comparing the town proposals for this subdivision, this is not the case. The original submittal plan, dated January 20, 1995, had two cul-de-sacs and approximately 1600 feet of roadway. The recent submittal plan, dated March 8, 1995, has two cul-de-sacs and approximately 2100 feet of roadway. The new submittal increases the road to be maintained and does not eliminate the dead end street nor the dead end water pipes. He is not opposed to cluster type developments but this cluster plan seems to be more of a request to allow smaller lot sizes, rather than a plan to implement the advantages available in cluster plans. He notes the concerns of Mr. Matthews and Mr. Herr regarding this project which he eluded to in his March 9, 1995 letter to the Board. The Board should obtain their comments prior to making any decision relative to this matter.

Clerk reads comments relayed during a telephone conversation with P. Herr this week. He refers to the plan as just a sketch. He questions whether or not the rezoning will take place on which this depends. The development is based on residential district lot sizes. Town sewer service must be available or the developer must document that the lots satisfy the requirements of Title 5. It is clear that it would not satisfy the new Title 5 requirements. Mr. Lapin thinks that they are grandfathered and would come under the old Title 5 requirements. There is no way there will be sewer service there. Title 5 has complicated transition rules but April 1, 1995 is one of the important dates. He does not know if it is grandfathered. There should be a careful comparison between a cluster and a conventional plan. It seems as if they are taking advantage of the wetlands which are included in the lot size but that may not be true. He has not seen a conventional plan. The detention area is on one side of a hill on a slope which is reminiscent of the Chestnut Hill Condominium development. They will

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have to look at it carefully to make sure it won't create problems.

Mr. Lapin had a discussion with P. Herr. He believes that grandfathering protects the land by March 31, 1995 even if the matter is not acted upon. They originally submitted a conventional layout of which this cluster grew out of.

EM does not think they would be grandfathered but that is a legal matter. Even if they are not, the lots will have to be bigger.

F. Lapin states that is only if they are in a nitrate loading sensitive area.

EM explains that an approval for a cluster is given by special permit in suburban zoning for 20,000 square feet. He asks what makes him think it would be allowed.

F. Lapin responds that the issue is the nitrate loading which would have to be resolved. The reason they looked into the cluster was to looping the road and preserve the strip along Beaver Pond which are the main advantages.

EM indicates that may be just as nice with 30,000 or 40,000 square foot lots.

F. Lapin states that would bring them back to the conventional layout problems where they would not be able to loop the roadway. The size of the lot does not lend itself to looping the roadway.

EM agrees that would not work if they are trying to get in as many houses as they can. Traffic flow and safety are big issues.

RL points out that the original plan was for 12 houses.

F. Lapin indicates that the land at the end of Hixon Street is excluded with the cluster and will be a public right and access to Beaver Pond. The issue is the feedback relative to the impact to Hixon Street. They would like some direction from the Planning Board on how to proceed to get some conclusion on the issue.

EN asks if they can widen the street.

F. Lapin responds that they provide a widening easement along their side of the development.

EM does not want to cut this discussion short, but this is not a real plan since it says for discussion purposes only. They have to decide what they want to do and how they will proceed. The rezoning discussion took longer than expected and the Board has to move forward with another public hearing.

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B. Lord explains that this has nothing to do with the rezoning. They submitted a preliminary plan for which it is up to the Board to give some direction. Should they go forward with the plan as a cluster or preliminary subdivision?

EM responds that a cluster with 20,000 square foot lots under Title 5 does not cut it. They seem to think they are grandfathered but he will have to check with Town Counsel. They can ask to continue the discussion for the preliminary or completely submit for a cluster. The Conservation Commission likes the cluster. The Planning Board seemed to like a cluster but not this one. In concept it sounds good, but when they maximize it to get more lots it is not favorable. He refers to the DPW Director's letter relative to more roadway.

F. Lapin indicates that it includes 25 acres which is a larger area when comparing the original proposal to the new one.

AM states that the Board does not like the plan because the lots are too small and there are too many lots.

F. Lapin used the formula in the Zoning Bylaw to arrive at the number. That's how he came up with 21 lots.

EM notes that a cluster special permit decision requires the vote of 4 out of 5.

AM moves to continue to May 11, 1995 at 8:00 p.m. PC seconds. Unanimous vote of 5.

CHESTNUT HILL CONDOMINIUM
CONTINUED PUBLIC HEARING FOR SPECIAL PERMIT

AM abstains from the discussion

P. Herr called him the Monday after the last meeting to state that he had been able to get in touch with the Amory Engineer and that everything was o'kay with the drainage scheme. He reads P. Herr's comments dated April 12, 1995 which were faxed on the same date. He has reviewed the plans for this development as revised April 10, 1995. As of this morning, Tom Sexton of Amory Engineering has not seen this version. Mr. Gallagher is unreachable this morning, and P. Herr will be unreachable from mid-afternoon today until Friday afternoon. The drawings appear to satisfy all requirements of the Board for Developmental Plan Review, and all of the revisions requested during the Special Permit process have been made. He has had some uncertainties about the consistency of the sheet 2 plan view of the detention facility with the stipulation that dike slopes not exceed 3:1. Scaling is difficult, but the stipulation appears to be met closely enough that it can be accepted. A cul-

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de-sac to serve buildings 3 and 5 has been shown, as requested, and meets the Board's Subdivision Regulation requirement of a 100' diameter, so certainly can be accepted. However, there are lots of other possible configurations to allow vehicles to turn around and to provide dumpster access without paving such a huge expanse. If the applicant would prefer, surely such an alternative should be allowed. The easiest revision would be to have a landscaped area in the center of the circle. Attorney Lord has suggested a means of providing security against off-site liability through homeowner's association liability insurance. Making the maintenance of such insurance a condition of the special permit should adequately protect abutters. If the Board decides to approve the special permit, he can draft it for review by Town Counsel and the applicant's attorney. Approval of the developmental plan is by letter plus endorsement of a set of the drawings. An endorsed set should be retained by the Board.

F. Gallagher refers to the detail of the cross section on sheet 4. The detention facility on sheet 4 shows the cross section of the detention basin berm. It shows at 3 to 1 sideslope. The distance between the lines is 1 - 2 feet off at the 40 scale. It lacks the detail on the other sheet and may be of 1 - 2 feet but is o'kay at 40 scale.

EM refers to P. Herr's comments which state that T. Sexton hadn't received the new version. He asks if there is anything additional from Amory.

F. Gallagher responds that Amory does not have further concerns. They addressed the Planning Board issues which came up at the last meeting. There are two additions: (1) cul-de-sac parking area between buildings 3 and 5 and (2) P. Herr's concern relative to what the berm will look like as proposed at the higher elevation which was added to sheet 2 profile. Those were only two revisions.

EM talked with the Conservation Commission Chairman. This proposal was before them last night. The test borings of the berm satisfies the Conservation Commission.

F. Gallagher states that the detail of the 3 to 1 sideslope and specification material comes from the Massachusetts Highway Specifications for the impervious soil burrow. They sampled the berm to see if it meets the requirements for the impervious soil burrow. They did a test which was performed by the Geyser firm from Providence and tested positive. The basin still exists and was tested in two spots. They excavated 4' down and got a representative sample, each of which was tested separately. He had a backhoe dig down and then took shovels full for the sample.

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EM thought that boorings were done with tubes. Boorings keep them from taking the best soil in the area for the sample but the Conservation Commission said they were satisfied with it.

B. Lord explains that the Commission closed the hearing last night and will be issuing an Order of Conditions.

F. Gallagher states that the grade soil passes through. The specifications of the last 20% passes at the #200 sieve. They can't pick out the extremely fine soil. He just dug down.

B. Lord refers to the other issues relative to a master deed for the association which must specifically name the detention pond as a liability so the insurance will cover it. There was also concern relative to holding off on building the last building to give the detention time to work. There are 3 buildings there now. they will agree in the special permit decision that construction of the 4th building will not be started until April 1, 1996.

RL agrees that will be done after all the roadway and everything is in. The only thing which will not be completed will be the last building.

B. Lord states they can extend the end so no parking spaces can go there.

EM indicates that there will be less runoff and less impervious coverage with the island.

B. Wozniak thinks that people will still park there.

B. Lord states that each unit will have 2.5 spaces so there will be extra space.

EM asks if there will be grading or site work behind.

F. DaPrato responds in the negative. They just stockpiled material.

EM calls for Board member questions.

RL does not see a problem with extending the parking space as long as there is enough room to maneuver a truck around the island.

EM calls for questions from the audience.

Thomas Crane, abutter, asks when they will build the fence which will go around the perimeter of the property. There is supposed to be a wooden fence where the residents are and a metal fence where there are no neighbors.

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B. Lord responds that there is no schedule now.

RL would like to see the fence up at the same time that they put in the roadway.

Gary Lameroux, abutter, thinks that it should be in prior to construction.

T. Crane refers to the 4th building which will not be built for a year. There is a duck pond where the footings are.

EM thinks that it should be capped.

RL asks if there is a full foundation there.

F. DaPrato responds that there is a footing but it will be graded up.

G. Lameroux thought there weren't supposed to be walkouts at the units.

B. Lord agrees that it will be filled in.

RL moves to close the public hearing for the special permit. PC seconds. Vote of 5 (EM, EN, RL, PC and BW).

EM explains that Alternate Member Bill Wozniak was designated to sit on this matter because EN was not here at the beginning of the public hearing and AM abstained from the hearing.

RL moves to grant the special permit with conditions for offsite liability, fence placement, build out rate for building #3, the 4th building, to be constructed after April 1, 1996.

EM explains that there will be a vote and action tonight but P. Herr will prepare the draft. The Board wants to see no walkouts. All the disturbed area including deep holes and trees are to be graded and filled in. The decision is to include a timeframe when the fence will be finished which will be tied to occupancy permits for the first building. No occupancy permits to be given to the last building. The condo association will hold main liability insurance.

B. Lord indicates that they have the liability insurance but the question is if they will cover the detention pond.

EN states that the motion should direct P. Herr to draft the decision.

EM wants the developer to carry the insurance.

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B. Lord notes that as soon as the first building is sold there will be an association in place.

B. Wozniak asks what happens in the meantime before the first unit is sold.

PC seconds RL's motion. Vote of 5 (EM, EN, RL, PC and BW).

EM explains that the Board has just voted to approve the special permit for 24 units based on the plan shown and there will be specific conditions including the build out rate.

B. Wozniak further notes that construction of the 4th building depends on whether or not the detention basin works.

EM states that the Planning Board has just approved the concept. The draft and decision will be approved afterwards.

B. Wozniak thinks that there should be something in the decision about the cul-de-sac.

G. Lameroux thought they were going to add that all the fencing would be in by the time the first building is sold.

F. DaPrato agrees to do the finish grading, loaming, seeding.

G. Lameroux thought the fence was for the people who live around there.

RL states that the fence should be in place before the last building is constructed.

EM does not think it is unreasonable for the neighbors to ask for the fence first. Having it predicated on the last building does not make sense.

B. Lord agrees to have the fence in place around the residential areas before occupancy permits are given for unit #5.

F. DaPrato states that he will do the entire perimeter this year.

EM indicates that the Board will direct P. Herr to come up with a draft decision including all conditions. The Board will review the draft and vote again.

B. Lord points out that the Developmental Plan and the special permit were submitted together. The Board must indicate that the developmental plan is approved also.

EM states that the developmental plan has a couple of issues

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remaining including the cul-de-sac. It doesn't show the island.

B. Lord thinks they should bring it back at a later time. There is plenty of time to work it out. He asks which the Board would prefer - the island in the middle or an extension.

F. Gallagher indicates that the dumpster is in that location and requires disposal. They will pave because they will have a heavy vehicle to dispose of the dumpster. They will go with landscaping the island so the Planning Board can approve with the special permit.

RL moves to approve the developmental plan with the changes to put in a landscaped island around the circle. PC seconds. Vote of 4 (EM, EN, RL and PC). AM abstains.

EM directs P. Herr to prepare the letter of approval for the Developmental Plan Review.

BEN FRANKLIN SAVINGS BANK
DEVELOPMENTAL PLAN REVIEW FOR AN ADDITION

Clerk reads notice of review meeting.

Greg Rosen, NES Group, representatives of Ben Franklin Savings Bank introduces a representative from DRL & Associates and Art Borden, Borden Associates. The Developmental Plan Review is for the property at 58 Main Street to add to the parking lot and a small addition to the bank.

Art Borden explains that the existing bank is shown in pink on their plan. They propose to close off the entrance on Mendon St. and move it down to develop a better traffic circulation. They will also add parking with a drive through lane. The old retaining wall will be eliminated. There will be a 3 to 1 slope going down. There will be no eyesore of a retaining wall anymore. They will tighten up the entrance with signage out and for the drive through. They propose grading and pave runoff of crushed stone in a 10 x 2' area. They are adding some pavement.

EM asks where they will put the runoff.

A. Borden responds tha they will carry the grade around to go into the ground and spread out.

EN asks if they will have two lanes.

A. Borden responds they will have 3 lanes wide with stacking of 8 cars.

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G. Rosen indicates they will have their own separate entrance for drive up traffic only.

EM asks how close the driveway is to the Almacs driveway. Is it more than 200' away?

A. Borden responds that it is 120' from the end to the beginning of the driveway.

EN asks if Almacs has any plan to block off the driveway. At night, the parking lot is like a highway with all the cars cutting through.

G. Rosen hasn't heard anything about blocking it off. The bank is in the process of purchasing additional property from Almacs.

EM points out that the Bylaw says that they can't have a driveway within 200' of another driveway but he does not think it is a problem.

Clerk reads P. Herr's comments relayed during a telephone conversation. The 81-P has no issues. It is o'kay the way it is. The Developmental Plan represents a big step forward from the present situation. Further development represents an improvement and they should be commended. There is no information on the plan relative to lighting and he can't determine if it satisfies the Bylaw. They should include a note on the drawing stating that "No new lighting fixtures will be installed until the light and luminaires are approved by the Planning Board."

A. Borden states that there is a note on the plan which says that they will comply with the Bylaw.

B. Wozniak asks what happens if Almacs goes back to being a grocery store.

EM states that there is ample parking.

PC moves to approve the Developmental Plan. AM seconds the recommendation.

G. Rosen has no problem putting the note that P. Herr wanted on the plan.

Unanimous vote of 5 to recommend to the Building Inspector. Letter to Building Inspector approving plan with 11 additional parking spaces and a 400 square foot addition as shown on the plan. Fee of \$63.00 paid (includes 81-P fee).

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BEN FRANKLIIN 81-P SUBMISSION

AM moves to approve the 81-P. RL seconds. Unanimous vote of 5.

GENERAL BUSINESS

Clerk reads letter from Town Treasurer indicating that there is a \$4,000 bond remaining in a Ben Franklin Savings Account.

EM instructs Clerk to given the letter to D. Fraine to take care of.

Members sign Clerk's pay voucher and invoices.

PINE MEADOW INCOMPLETE WORK

Planning Board and other town officials received a letter with photographs from residents of the Pine Meadows development relative to road problems. Clerk reviews file which indicates that the performance bond was signed in June 1993 and that the work had to be completed within 24 months. Planning Board to send a letter to Mr. DaPrato advising him that the work must be completed by June 1995. It is in the developer's best interest to clean up the development. If it is not done, the Board will hold a hearing and have the abutters in to take the bond.

EN moves to adjourn at 11:15 p.m. RL seconds. Unanimous vote of 5.



Edward T. Moore, Chairman

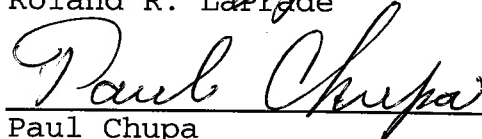
Emile W. Niedzwiadek, V. Chair



Anne M. Morse



Roland R. LaPrade



Paul Chupa