

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

**EDWARD T. MOORE, CHAIRMAN
ANNE M. MORSE, VICE CHAIRMAN
ROLAND R. LAPRADE
PAUL CHUPA
WILLIAM M. WOZNIAK**

MINUTES OF REGULAR MEETING

AUGUST 24, 1995

Meeting commenced at 7:10 p.m. All members were present. Board's consultant, Philip B. Herr was also present. Associate member Richard Dill was absent.

MINUTES ACCEPTANCE

RL moves to accept the minutes of May 25, 1995, June 8, 1995, and June 22, 1995, with a correction to the June 8, 1995 minutes on page 14 to change the Chairman of the Board of Selectmen's name to Guy Fluette. WW seconds motion. Vote of 4 (AM, RL, PC and WW). EM not present for the vote.

PINE MEADOW ESTATES - BRITTANY ROAD

EM reads letter from Cynthia Jaquith, 2 Brittany Road, dated August 14, 1995, advising that Mr. DaPrato has not done any of the work he was supposed to do including the road, leveling disturbed areas, fence around retention pond, clean up first lot on road which is a dumping site. She also states that they are not able to get their mail delivered until the road is completed.

EM went up to look over the area and agrees that nothing has been done. There may be a violation that the Building Inspector can cite him for but the timeframe does not expire until August 31, 1995.

CROSSROADS RETAIL CENTER - HARTFORD AVENUE

Dick Marks, Esquire, Goulson and Storrs, introduces Bob Frazier, WS Development, Dan Cleary, Vanesse Hagen, and Roy Smith, Sumner Schein. The public hearing was continued to resolve the outstanding Amory Engineer issues. A meeting was held between the Planning Board, the Conservation Commission and them to talk about the detention ponds and how the parking lot will be at the edge of the detention pond. They are hoping to be underway within 30 days. They sent the special permit

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decision to the Board and Town Counsel which incorporates the conditions that Amory wanted.

Roy Smith states that they worked closely with Tom Sexton from Amory. He distributes a copy of a letter from T. Sexton discussing the stability of the dykes issues relative to the 3 to 1 versus the 1 to 1 slopes. They have addressed the stability question based on the Conservation Commission meeting with T. Sexton. They hired a geotech firm whose report says that the 1 to 1 slope has a safety factor of 1 1/2. Amory reviewed the information and concurred with the result. They will have a 6' high chainlink fence. There will be access gates for maintenance purposes. They will have a maintenance person who will clean out the sediment. They will lose volume in the pond but they will rework the stormwater management program. There used to be a 50' roadway but they took 20' out for the detention basin by providing a 10' shelf. They took 10' out of the roadway and added it to the berm for the slope stability, maintenance and safety. The 30' widens to 50' for lumber deliveries and turning radius. They also redesigned the ponds. When they make a change, it affects all the plans. He refers to item 3B, one of the conditions of approval, which states that someone has to verify the groundwater at the bottom. 3G, another condition relates to the trash rack clogging. They will have reed canary grass 20' per acre at the bottom so it won't clog. They added the plantings into the condition of approval.

PC spoke with Town Counsel who said that they were supposed to send him the plans.

D. Marks explains that the Board asked them to send Town Counsel the decision on the special permit. It was revised at Town Counsel's request. They also sent him the Developmental Plan Review proposed decision. Two weeks ago he asked for a set of plans. He thought he had asked Roy Smith to send them the plans but there must have been a miscommunication because they weren't sent.

EM thinks that it is hard to ask the Planning Board to sign anything without the recommendation of the Town's attorney.

Clerk spoke with Lee Ambler, Town Counsel, today. He stated that the decision was revised at his request but he hasn't really reviewed the decision because he was waiting for a set of plans to be sent so he could check the decision references against the plan. The plans were never sent.

D. Marks indicates that Town Counsel will have a set of plans on his desk tomorrow morning so he can review it against the decision. He requests that the Board take action subject to the review.

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P. Herr thought that the special permit didn't refer to the revised plans just the old plans. The Police Safety Officer had another pending issue.

D. Marks explains that B. Frazier had several meetings with Sgt. Haughey.

B. Frazier states that they agreed to revisit the truck egress 12 months after they open so they can take care of any problems that arise. They will make it a condition of approval.

D. Marks refers to condition #1, page two, relative to the signalization opticon system. They agreed to install 3 different signals at the ramp, entrance and N. Main St.

P. Herr refers to incorrect language in the Certificate of Approval, Item No. 1.

D. Marks agrees that the reference is in the wrong place. He will correct it. The other two conditions respond to Amory's comments.

EM asks about waivers on the first page. He asks where they refer to the depth of the detention pond.

D. Marks states that #4 references Section 3282, Zoning Bylaw.

EM recalls that Town Counsel always says that they shouldn't waive a section without specifying what they are waiving.

P. Herr states that there are a series of requirements which refer to the drawings and the set of drawings.

AM can understand L. Ambler's hesitancy since the decisions refer to the plans.

D. Marks thinks that they can ask the Board to sign the special permit decision. There are two separate pieces of paper.

P. Herr states that they could vote for the decision tonight and endorse it but not release it until L. Ambler sees the plans and approves the decision.

RL indicates that the issue is that it will get the timeframe going.

D. Marks points out that the appeal period starts when the decision is filed with the Town Clerk. He thinks that once he sees the drawings, L. Ambler will say that the decision is o'kay. If not, the vote will be nullified. He asks that the Board vote and agree to endorse the decision subject to Town Counsel's approval. Town Counsel will

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receive a set of drawings tomorrow morning. If the decision were signed, they would file it and then stay on schedule.

P. Herr refers to a small mechanical issue on page 2. There is no appeal period for that. Revisions made to the drawings today make Exhibit A obsolete.

D. Marks does not think that the conditions of the special permit are tied to the plans. Traffic mitigation is not specific enough. They spent time rewording the conditions.

P. Herr agrees that the special permit refers only to the old plan.

WW thinks that it would be o'kay to sign the special permit contingent on Lee Ambler approving it.

D. Marks further explains that the Developmental Plan is the decision tied to the plans. There is nothing in the special permit conditions which is tied to the plan.

AM is uncomfortable with rushing L. Ambler to review the plans and approve the decision.

D. Marks will agree to one week to review the plans.

WW moves to continue the Crossroads DPR to September 14, 1995 at 7:15 p.m. AM seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

P. Herr suggests that the Board stamp every sheet of a Developmental Plan when it is approved so there is no confusion.

B. Frazier points out that Peter Harkey, one of the trustees for the adjacent property which they are purchasing is present. The reason why they are pushing for the special permit is because they will have another amendment modification to reconfigure the property to incorporate the Harkey land and the second access road.

D. Marks knows that they have to come back for the special permit amendment.

81-P SUBMISSION

Bill Halsing, Land Planning, submits an 81-P for Rosamond Thomas, 154 Hartford Avenue. Parcel A is transferred to the back owner to square off the lot. It is residential zoning.

AM moves to approve the 81-P. RL seconds. Unanimous vote of 5 (EM, AM, RL, PC

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and WW).

ELM ESTATES - REQUEST FOR BOND REDUCTION

Roger Gagnon, developer, is here requesting a reduction in his bond from \$35,000 to \$6,100.

EM reads letter from Donald DiMartino, DPW Director, recommending that \$6,100 be retained for completion of this project.

AM moves to reduce the Elm Estates bond to \$6,100. PC seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

EM instructs R. Gagnon to forward a letter to the Planning Board requesting his bond reduction in writing.

EDWARD ESTATES - LITTLETREE LANE
DEFINITIVE SUBDIVISION PUBLIC HEARING

AM abstains from the public hearing.

EM explains hearing procedure with applicant presentation, Board member questions, audience questions. Audience is instructed to raise hands and state names and addresses for the record prior to asking questions.

Clerk reads notice of public hearing.

Bruce Lord, Esquire, is here representing the applicant. He knows that a lot of people are here tonight relative to the Pine Meadow Estates road. A paver will be on Brittany Road next week. He understands that Cynthia Jaquith sent a letter to the Board which was read earlier. Lot 1 is not owned by the present developer. He is in a dispute with the previous developer.

EM discussed Pine Meadow development earlier. Ms. Jaquith's letter was read into the minutes. The developer has an August 31, 1995 deadline. There are other things which the Board felt should be done. They are going to ask the Building Inspector to go down and see if there is a zoning violation. He and PC went to look over the site this afternoon. They also need a street sign and the post office will not deliver their mail. The retention pond should be fenced. There is no water in it now.

B. Lord describes Edward Estates as a simple subdivision. There are 15 acres which they dividing into 12 40,000 square foot or larger lots. They propose to continue

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Laurel Lane to the cul de sac with 5 lots off the continuation and 7 lots off the side road. The entrance to the property is owned by Lucille Dalpe. Hillside Estates contemplated an extension if Laurel Lane was continued. This is the only entrance into it. This is the only property this developer owns. He will not develop any further. The whole subdivision is wooded and is reasonably flat with a high northeast point. It is 308' at the highest and 276' at the lowest. It is a rolling property. The present drainage is wet to the north and SE side. Variation of the vally is 23' and dips down and up. They request more fill than normal with 8' fill instead of 6'. Dalpe and Horan will have a major impact to their properties because the road goes through the middle. The street line is directly across Laurel. The site lines are good and there is no problem with the visibility. Both roads are town accepted. The right of way is 40' wide. The right of way entrance will be widened to 50'. There will be a cul de sac at the end which could attach to the other properties to the left of the 50' right of way at the end. The land at the end is owned by Varney.

EM asks about a zone change.

BL responds that it is residential/suburban with 20,000 to 40,000 square foot lot requirements with 125 to 150' frontage.

EM states that all new lots will be 40,000 square foot with suburban zoning requirements.

B. Lord explains that they intend to expand the duplex lot which they would be making a nonconforming lot. They will be changing the nonconforming so it will bring it up to the 40,000 square foot by adding area. Lot 1 does not comply with the Zoning Regulations because it is 90% outside of the wetlands. Two of the lines will be moved to create a larger lot 1. All the lots are 49,000 square foot with enough frontage and area to make up the difference. They will have town water and connect to the existing water line on Littletree Lane. They will also have septic systems since the nearest sewer is at Pulaski Blvd. The road will be 700' in length with the cul de sac. It does touch the property line. There is a question of ownership for the grey area. They propose sidewalks on one side on the north side to Laurel Lane intersection and one the east side of Edward Circle. There will be hydrants at the end of the cul de sac at 500' with two others. The two streets will intersect at 90 degree angle. One problem area is the entranceway which cuts at a high point. They are designing it to reinforce the retaining wall 5' at the lowest and 8' at the highest. Don DiMartino suggested a guardrail at the top which they are amenable to. There will be a second gravity retaining wall at the end of the cul de sac which doesn't affect ther property owners. They will have two detention basins. The one on lot 6 is designed to the natural contours of the property. The culvert will carry water below the rip rap to ensure the proper drainage of the water. There will be catch basins on both sides of Laurel

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extension. The second detention will be on the western side 201' in length with 80' width with a depth of 3'. It will catch drainage off Edward Circle and the west end of Laurel Avenue extension. The detention basin goes to the culvert and the swamp. It is a simple system which is not deep. There are two areas for which they are asking permission. Section 4258 to fill 8.3' (maximum 6') and to cut the road 7.3' (maximum 6'), both of which require permission of the Planning Board to exceed. Everything meets the requirements for a 12 lot subdivision.

EM reads letter from the Fire Dept., Lt. Andre N. Genereux, dated July 19, 1995, wherein he states that the water main plan and hydrant location plan is acceptable. The street name "Edward Circle" is not in conflict with other street names. The Fire Dept. believes the submitted name "Laurel Lane Extension" should not be used. The street should be named "Laurel Lane" and street numbers should be a natural progression of the existing street numbering scheme for Laurel Lane. The Fire Dept. reserves the right to comment further should any changes, additions, or deletions to the plan be made in the future.

EM reads letter from Donald DiMartino, DPW Director, dated August 22, 1995, wherein he supplies the following comments. The connection to the main in Little Tree Lane should be with a tapping sleeve with valve. The pipeline should be reduced to 6" just before the hydrant located near the proposed retaining wall at Station 9+00 and a 6" gate valve added between the reducer and the hydrant. Relocate the hydrant now shown at sheet 7 of 8 at Station 5+00 to Station 3+50. Add a hydrant on sheet 7 of 8 at Station 6+65. This hydrant should be installed off of a tee, and the main line should extend to the property line of the North abutting property, with a gate valve and plug. This is so any future roadway extension can be connected with little inconvenience. As always, all water mains should be looped. I suggest that the pipeline, which is shown to dead end on sheet 7 of 8, be looped back onto either Little Tree Lane or Hilltop Road. This would eliminate one existing dead end and prevent this project from creating two new dead ends. The plans show 8" ductile iron pipe. This is allowable however, plastic C-900 water mains are allowed in the Town Standards. Sewer is not available in this area. He suggests that an independent consultant, professionally licensed engineer, be hired to review and comment on the drainage. Comments relative to the roadway include: On the top of both of the concrete walls noted on sheet 6 of 8, a guardrail must be installed that matches the Massachusetts Highway Dept. Standard Specification for Highways and Bridges. The guardrail should include transition and terminal ends. He suggests they use a full height bituminous berm in the areas of the walls as the allowable Cape Cod berm does not act as much of a bumper. An anonymous area resident has called with concerns about the proximity of the new roadway to the existing building. He has no comment on whether the proposed sideline spacing is allowable as laid out. If a fence is installed to shield the roadway from the building, he requests that it be placed on

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the property of the building owner. The town does not want any maintenance responsibility with regard to any such fence.

P. Herr does not think that a 40' right of way meets the standards. One could have a 40' right of way with not more than 12 lots when it is not capable of extension but this is. It is up to the Board if they want to waive the 50' right of way. It is not easy to make a 40' right of way with 26' of pavement with a sidewalk work.

EM does not believe that the 40' right of way is acceptable.

P. Herr does not think that the extension is likely because there is questionable ownership.

John Halmin, 53 Laurel Lane, came to the Town Hall to look at the plans but there were only drainage calculations and topography plans on file. He has a real concern about the topography. The Definitive Subdivision plan was supposed to be available but it was not. Littletree Lane is elevated at 300' but this property is below that. There is a 10% grade at the first portion of the road and 20% in the back. The maximum grade is 11% with 12 lots. The maximum grade with a 50' road is 10%. The people who live on Laurel Lane know about the problems there. They slide to Littletree in the winter and go down Laurel Lane. People cannot get out because there is a serious grading problem.

P. Herr notes that the issue relative to the notice is serious.

Frank Gallagher, engineer, agrees that the roadways coming to the parcel are very steep but the 40' wide pavement is more narrow than what they are proposing. The entrance point meets the current requirements. The maximum grade is on target at 8% which incorporates the vertical curve. There is 4% coming in, 8% going up. The 275' vertical curve molds together.

J. Halmin states that there are lots coming off the road which have to climb or drop. They are creating problems for the lots to get in and out. Access is a real issue. He wants to see all the proposed topography including driveways.

F. Gallagher can provide that to the Board. 10 of the 12 lots have already been perced and show the layout of the houses. The soil is actually consistent and suitable.

J. Halmin believes that the topography maps of the town splits. The town map shows considerably more wetlands. He asks if it was flagged by a botanist.

F. Gallagher responds in the affirmative. The botanist he used is a member of the

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Conservation Commission is another town, has a Ph.D. and is very conservative.

J. Halmin thinks there are more wetlands.

F. Gallagher is a registered civil engineer. He needs a professional surveyor for the plans. The Dalpe property is registered land but the subdivision is not registered land except for the first 175'.

EM will check with Town Counsel about what the Board should do if in fact the plan was not at the Town Clerk's office.

J. Halmin asks if the Board requests proposed grading of the street and driveways.

F. Gallagher states that they have done 90% of the grading for the house lots.

HIXON FARMS CLUSTER SPECIAL PERMIT

RL moves to open the public hearing and continue to 9:25 p.m. PC seconds.
Unanimous vote of 5.

EDWARD ESTATES CONTINUED

RL asks what kind of drop lot 1 will have to get into the driveway.

P. Herr notes that point is going to move over.

B. Lord explains that the present topography is very high. They cut more than 6' to bring it down to a more gentle curve.

F. Gallagher indicates that the house will be designed with a garage under in the foundation. They will put the right house on the right lot which works.

Mark Horan, owns the adjacent property. The drawing is not to scale. The road is not square as you come down Laurel Lane. He was promised by B. Lord that the plans would be made available to him but they were not. The plans were supposed to be on file at the Town Clerk's office but they were not. The abutters were only given 3 days notice of this public hearing. A lot of people in the neighborhood were on vacation. He suggests the Board continue to September. There is not enough room to do this. The cars come zipping into the bottom V to make it in the wintertime. It is a nice neighborhood but they would be putting in an intersection. 40' is not enough. They also violate the setback requirements. This makes his lot nonconforming and makes it a corner lot. There are health hazards and additional traffic with 24 cars, 2

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cars per household. It doesn't fit the neighborhood. He doesn't know what will happen with the septic systems and leaching fields when the snow is plowed and floods his backyard. There are more wetlands in the back there. Maybe it percs in August, but they would sink fast in October. If the lot can be accessed through Blackstone, why are they interfering with this neighborhood? There is a major concern because most of the homes contain small children. He doubts that the width of the road is sufficient. They would be having roads feed into an intersection.

EM notes that the Board has very little discretion if they meet the requirements. They can't deny because they don't like a plan.

M. Horan asks if a member of the Board has an interest as a beneficiary with this development.

B. Lord responds that no town officials other than Mr. DaPrato and members of his family has an interest in this subdivision. This is a Land Courted property. There has been no mislaying of lines. The plan was done in the 1960's. There were two parts, both owned by Miss Dalpe, both Land Courted so the lines are very definite. Mr. Horan has an attorney who was told that the plan was available. None of this is on his property.

F. Gallagher sees the potential for an issue. They changed Mr. Horan's lot to a corner lot. There could be a violation if he had the minimum sideline to the house. They have to provide him with a frontage setback.

M. Horan would have two fronts.

WW states they would still have to make the road 50' wide.

F. Gallagher states that if they have to, they can move it closer to the Dalpe's property.

M. Horan has 125' for both fronts. It is not one corner lot.

P. Herr explains that he needs to meet the front yard requirements so he needs frontage.

B. Lord notes this plan is not changing the frontage.

P. Herr states that Mr. Horan has to chose which frontage he wants. There is no effect, if he chooses Littletree Lane.

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EM indicates that if they entered through Blackstone, they could make it a through street.

B. Lord points out that it is not accessed through Blackstone because there is recreational land on the other side. They volunteered to extend for adjoining landowners but they don't have to.

RL asks how big the Varney piece is.

B. Lord responds that it is 6 acres with a subdivision on the other side.

F. Gallagher believes there is the potential to extend to Hilltop.

EM thinks that it may align when it is built.

M. Horan believes that the plan referred to was superseded by another plan which increased the lot size.

Mrs. Rita Horan brings the plan up for the Board's review and points out the Land Court and superseded plan. There is a smaller road coming in at an angle and going up.

WW notes that the Bylaw says they have to bring it to the end.

P. Herr agrees that the Regulations require that they do extend to the end of the subdivision.

B. Lord would be glad to do both.

WW asks how they can do both: bring it to the end and make the entrance roadway 50'.

F. Gallagher agrees that they need one or the other. They could do it if they got rid of the duplex house. He notes that there is a travelled 40' right of way before one gets into the subdivision.

WW states that there will be an 8' retaining wall at the Horan's property. They also have to deal with the front yard requirement.

Paul Ivis, 10 Littletree Lane, notes that the property on which this development is proposed has been referred to as a swamp for 23 years that he has been there. It hasn't rained in 4 months and everything is dry. There are enough cars in the

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neighborhood. They are also reducing the 10" water main but they won't get any water because the rest of them don't. They would have to put in wells and pumps.

PC explains that there is enough water in the pipe but the elevation is so high that the whole top of the hill can't get any water.

P. Ivis recommends that the builder put in a pressure pump for the new homes or specify the lack of water in the contract. Let's not add to the problem. Reducing the water capacity could cause a fire hazard.

James Wallace, abutter, asks if the subdivision will affect their pressure.

F. Gallagher responds in the negative.

PC states that there is plenty of water in the pipes. The Fire Dept. has the ability to boost the pressure to 100 lbs.

P. Ivis asks about a gravity fed through Chestnut Street.

PC responds that the only way to solve the problem is by putting a pressure pump in the cellar.

P. Ivis is concerned with major flooding to the first lot.

EM notes that according to DPW Director Don DiMartino, the water line will be looped to Hilltop and back to Littletree.

PC notes that Hilltop doesn't have the pressure either. The water will be clean because it is looped.

Steven Jaquith, 2 Brittany Road, Pine Meadows Estates Subdivision, asks that before the Board goes ahead and considers approving this subdivision, they make sure that the same developer completes something which he has already started.

EM brought the issue up with Town Counsel who said that they have to legally treat them separately but it is hard to forget when they are considering a new subdivision. He suggests that the Brittany Road, Pine Meadow Estates residents attend the September 14, 1995 meeting at 8:00 p.m. to discuss their development and whether or not the work has been completed. The Board may ask the Building Inspector to oversee the Brittany Road completion.

B. Lord notes that the road will be paved in two weeks.

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Lillian Halcourt, Bellstone, asks if there are 10 lots perced, does that mean that 2 haven't been.

F. Gallagher responds that they attempted all but two.

L. Halcourt asks what the perc season is.

F. Gallagher responds that it is January to the end of the April. These percs were done in March and April.

P. Herr suggests the Board ask the Town Administrator to get an engineer to review the drainage issue.

EM asks first if B. Lord's client would be willing to pay the fees if the Board asks the Town Administrator to obtain an independent engineering review at the applicant's expense.

B. Lord agrees.

RL moves to asks D. Fraine to obtain an independent engineering review for Edward Estates. PC seconds. Vote of 4 (EM, RL, PC and WW). AM abstained.

B. Lord explains that everything is handled through the town. The developer has no contact with the independent engineer. Payment is done through the town. He asks for a determination relative to the 40' right of way, right of access. They can reduce and not make the access.

EM does not think that the Board is ready to answer those questions tonight.

P. Herr is not sure what the pavement would be is they have a 40' right of way.

RL moves to continue the public hearing for Edward Estates to September 29, 1995 at 8:00 p.m. PC seconds. Vote of 4 (EM, RL, PC and WW). AM abstained.

Clerk to find out if the Upper Town Hall is available for the next meeting. EM advises the audience to come to the Board of Selectmen's meeting room first and then if there is not enough room, the Board will adjourn to the Upper Town Hall.

HICKORY HILL BOND REDUCTION REQUEST

Maurice Morin 23, Scott Street, presents a letter requesting a 20,000 reduction of his bond with \$16,750 remaining. The Board received a checklist from DPW Director, D.

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DiMartino agreeing with the reduction in the bond.

WW moves to reduce the bond and leave a \$16,750 balance. RL seconds. Vote of 4 (EM, RL, PC and WW). AM abstains.

HIXON FARMS CLUSTER SPECIAL PERMIT

Fred Lapham, Shea Engineering, states that an 81-P was presented to the Board at the last meeting to cut out the last two remaining lots and leave the remainder of the property intact. That left the question of what they are willing to do about Hixon Street. They are offering to do the engineering survey to identify the areas along Hixon Street to Hartford Avenue where they could possibly widen. The survey will show the property lines, pavement, poles, trees which could be removed and can identify areas which would contribute to hazardous conditions. There is quite a bit of cost involved.

EM asks if they are willing to do the improvements, if possible.

F. Lapham responds that the survey is a considerable expense with over 1/2 mile of road.

EM did not think it was possible because they don't own the land.

F. Lapham indicates that the survey would identify the areas where they could widen.

RL understands that they are offering to do the survey work so if the town ever wants to widen, they can. They can leave it the way it is and no more will be built until the road is done.

P. Herr asks where they are proposing to widen.

F. Lapham responds that it starts at the end of the existing layout on Hixon Street. He can bring it to the intersection.

Doug MacLachlan, Barrett Lane, sent a letter to Sgt. Haughey asking him a number of questions relative to the safety of the street but Sgt. Haughey would not answer. He asks the Board the questions. Can two cars pass safely? EM responds in the negative. Can a child ride a bike safely on Hixon Street? EM responds negative. The road is narrow and inadequate.

P. Herr indicates that there is an unstoppable force. A person has property rights.

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D. MacLachlan wants it made clear that the road is unsafe but due to the costs, this developer is unable to widen. He wants two cars to be able to pass without pulling over.

P. Herr states that there is a huge debate in the circulation business. Roads like this are not more unsafe than wider ones. People drive more slowly. Roads like Hixon Street may be safer. The Board could approve the plan and go to the Town Meeting to widen the road to deal with the safety issue or they could get the money to buy the land.

D. MacLachlan notes that Sgt. Haughey's measurements of the road were incorrect. It is 12' instead of 14'.

P. Herr refers to the grading inside the right of way and the percentage where two cars can't pass if half. He actually thought they were going to have the survey for tonight.

PC lives on a street which is 15' wide.

WW reads from the June 22, 1995 minutes relative to access to the industrial in the back.

RL believes that is only if Hixon Street is widened.

P. Herr states that the Board could put in a condition so the scheme doesn't include the right of way easement but they can come back later with an 81-P.

Robert Stockton asks how he can access his own land otherwise.

P. Herr states that maybe the town could fix Hixon Street. They could always change the lot lines.

F. Lapham notes that they are not proposing any construction.

P. Herr does not think that the town could reasonably access more lots on Hixon Street.

F. Lapham explains that they are reserving the area for the back.

AM thinks that they should indicate that it is not a buildable lot.

P. Herr agrees that the Board is not saying that it is o'kay to go on and build more in

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the back.

RL notes that they can't use Hixon Street for an access for the industrial. They can put in a condition that unless Hixon Street is widened, it cannot be used.

F. Lapham agrees to change to not a buildable lot.

D. MacLachlan asks what the Board believes that maximum traffic is for Hixon Street to be safe.

EM states that there will be a condition of the special permit that there be no more than 15 lots unless Hixon Street is widened.

P. Herr believes that is complicated. L. Ambler will ask how they will define that.

RL moves to close the Hixon Farms public hearing. AM seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

RL moves to approve the Hixon Farms Cluster Special Permit with survey work to be completed to Hartford Avenue up to the project and road improvements on Barrett Lane up to and including the two access roads removed from the plan and labeled as nonbuildable lots.

Robert Stockon notes that Barrett Lane has two entrances on Hixon Street. He asks which entrance they are referring to.

P. Herr responds that it is the northerly one from Road A up to Road B as shown on the plan.

AM seconds RL's motion. Unanimous vote of 5 (EM, AM, RL, PC and WW).

EM states that the conservation land will be deeded to the Conservation Commission. He asks P. Herr to work up the decision.

P. Herr believes that this is a nice outcome for a nice piece of land.

RL moves to approve the preliminary plan which was previously submitted. AM seconds. Unanimous vote of 5.

SIGN BYLAW BRIEF DISCUSSION

P. Herr advises the Board that John Emidy has been working on an amendment to the

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Zoning Bylaw to replace what they now have. Supposedly it was prepared in conjunction with the sign committee but EM who is a member of that committee was not aware of it. He sent a memo to J. Emidy. They decided not to put it in for the October Town Meeting. They want to put together a proposal that the town will adopt in the Town Bylaws.

SHORES AT SILVER LAKE SPECIAL PERMIT PUBLIC HEARING

Janice Hannert, Fafard representative, introduces Jack Gillon, Gillon Associates, traffic engineers. She was asked to look at the existing Bellingham developments traffic. The results were reasonably consistent with the multipliers. It was 3% lower in single family. Maplebrook has 120 total with a build out to 250. Bellwood has 64 up with more to be built for a 160 total. Brook Estates has 12 units up for 76 total.

EM thinks that the figures show that they don't have a market.

J. Hannert indicates that has not been their experience. The ITE standard multipliers are consistent with Rawson Farms. They are within 3% for single family homes and 11% for condominiums. They included construction vehicles going in Bellwood. This was a relative small example with only two developments. The ITE Standards use condos in denser urban areas where mass transit is available.

P. Herr indicates that there is an enormous range for ITE trip generation.

Jack Gillon, traffic engineer, explains that the range is 1.83 per household to 11.8 because there are a lot of variables which one doesn't see here.

EM would think that the local study would be the more accurate.

J. Gillon is a registered professional engineer and has been a traffic engineer for 24 years. He looks at it to come up with a means for generation rates. He uses the 5th edition which is the later edition than what was originally used. They counted the Rawson Road entrance. Machines also counted at Maplebrook and Birch Grove Road. They also counted the traffic manually during the am and pm peak hours and recorded trips at 15 minute intervals. They divided the trips by the number of units. He goes over the ITE rates for condo townhouses. The generation rates were 26 am for condo and 20 single family for a difference of 6. For afternoon, it was 30 condo and 27 single family for a difference of 3. There is less split in the evening than in the morning. Household travel is based on income.

P. Herr states that each of these proposed dwelling units will be 3 bedroom and freestanding. He asks why they used condo numbers when they look like and smell

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like single family.

J. Gillon responds that it is hard to look at the variables but there is a different type of ownership.

P. Herr thinks that the travel behavior is a different function of ownership.

J. Gillon refers to service trips which are different with common ownership. Rubbish removal, landscaping are all taken care of.

J. Hannert agrees that this project does have more individual service but they find that people tend to move out once there is a second child. It attracts a different type of purchaser.

EM asks why they don't make them two bedroom.

J. Hannert explains that the 3rd bedroom will be used as an office or family room. The Bellingham Bylaw does not allow for an extra room such as a family room. Empty nesters do not have the same service trips.

RL points out that it could be used for a third bedroom. He wrote a letter to the Board which he would like made a part of the record.

P. Herr thought that they were going to find out the Brook Estates trip generation. The information doesn't move any closer to making them understand which two numbers this development is more like.

J. Hannert could take traffic counts more at Brook Estates.

P. Herr understands that there are only 11 or 12 units.

J. Gillon further notes that there is a lot of construction traffic in and out.

P. Herr is concerned that the cumulative impacts shows that the newer numbers may be somewhat more like Rawson Farm which contributes quite substantially. The land use places a disproportionate burden on the infrastructure.

J. Hannert will take a count at Brook Estates.

P. Herr suggests that maybe they should take counts in those places where they have the market for these types of units. He thinks they will find that the people who occupy them are more like families but they may have a computer in the third room

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instead of a kid.

EM indicates that the Board is being asked to swallow double the number of units. He asks what the benefit to the town is. 49 could look like 23. A single family cluster would have less impact on the environment. They are maximizing the lot.

J. Hannert notes that there has been nothing published relative to traffic along the same lines as this development.

AM thought they were going to compare it to other existing similar developments.

J. Hannert believes that their Marlboro development has a somewhat similar breakdown.

RL notes that a dwelling townhouse is in the Bylaw. These units are not contained in that description.

J. Hannert states that they will have a cluster of 5 or 6.

RL doesn't feel that Brook Estates meets the definition either. This is a mechanism to bypass our suburban zoning. He voted for Brook Estates as an alternate but feels it was a mistake.

Gerry Fredette, abutter, is in support of the cluster proposal as opposed to a subdivision. He prepared an opinion in support of this proposal which he asks that the Board read.

RL moves to continue the public hearing to Tuesday, September 26, 1995 at 9:00 p.m. PC seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

After discussion, RL moves to change the second September meeting to September 26, 1995 instead of September 28, 1995. Clerk to post at Town Clerk's office and reserve room and upper town hall.

Bruce Lord is instructed to notify Edward Estates abutters about the date change. He agrees to send them notification in writing.

NEW ENGLAND COUNTRY CLUB DISCUSSION

Mike Orscheln, Berkeley Investments Inc., represents the new owners. He introduces Roger Lehrberg, their attorney, Carl Adamo and Mike DeFrancesco, from Capitol Engineering. They took over the country club in February 1995.

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RL notes that the golf course is the worst he's ever seen. He thinks it's been overplayed with lots of tournaments.

M. DeFrancesco presents a shorter version of the original subdivision plan which was recorded in 1989 with 240 lots approved. Access was to Wrentham Road with no access to Paine Street but in 1991 the Board approved a revision with entrance road to Paine Street and less lots. The plan was never recorded because the previous owners went bankrupt. They propose to make revisions, improvements to the plan but the road will not change. They will change the sanitary sewer connection.

RL asks if it will still go to Woonsocket.

M. DeFrancesco responds that the sewer will be connected to the pump station with a gravity system.

PC knows that there was an agreement with Woonsocket. There was a signed contract with the previous owners. He thinks it was to go to Woonsocket.

EM notes that this approval had no impact on the Bellingham Sewer Dept.

RL points out that the plan was never recorded and now they are asking the Board to change the original plan. The parcel has been rezoned.

M. DeFrancesco indicates that the circular pattern has not changed. The sanitary sewer will tie in by gravity. They will eliminate the one pump station. They know they have to go back and reactivate 10 permits including the City of Woonsocket sewer agreement, the Mass. DEP, Conservation Commission for the Order of Conditions. They would like to do borings to Country Club Drive to determine where the rock might be.

EM responds that they could do that tomorrow.

PC questions the number of homes.

M. DeFrancesco responds they are proposing 236. Certain lots will not be permissible. There will be no more than 236 but there is a good chance that it could be less.

Roger Lehrberg, Esquire, indicates that the town changed the zoning to require 80,000 square foot lots but these are all 30,000 square foot. They propose to change the zoning back. They are prepared to agree to enter into covenants with the town to keep the property no more dense than 30,000 square foot.

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EM explains that the rezoning was not done to hurt this project but to keep someone from building 20,000 square foot homes there.

R. Lehrberg states that because of the build out rate the timeframe for the subdivision will expire before they can finish the subdivision with the zoning with which it was approved.

P. Herr understands that they have less than 2 years before the subdivision runs out and the build out precludes completion before the new zoning would effect them.

EM thinks that it would be difficult to rezone the parcel. It only won by a few votes when it was originally rezoned.

M. Orscheln asks what the major gist of the opposition is.

EM responds it is the fear that the covenants are not workable. Town Counsel was against it.

R. Lehrberg states that they are willing to put in deed restrictions.

EM does not think it would go through the Town Meeting. If DEPCO is all set, why can't they get them to sign the revised decision.

B. Lord and M. Orscheln both respond that it is too late.

P. Herr notes that people are concerned about a lot of houses and a lot of kids cluttering up the schools.

EM suggests that they could combine the lots.

AM thinks that suburban zoning may be a good shot.

EM agrees they would have a better shot with suburban.

P. Herr points out that this is an opportunity to build good sewerred single family homes.

R. Lehrberg will have the engineers look at how many lots they would get with 40,000 square foot.

P. Herr thinks that the difference from 30,000 square foot lots to 40,000 might make a

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substantial change.

RL believes that there is ledge everywhere.

EM states that it would work with agricultural zoning. They could have half the number of bigger houses on the double size lot.

P. Herr indicates that they can't support the sewer with two acre lots.

B. Lord suggests they look at the numbers to see what's appropriate.

RL states that there are rumors that they may be putting in another golf course judging from the amount of people that go there. Two weeks ago it was the best ever but then they had tournaments with 300 rounds a weekend.

P. Herr indicates that they could build a townhouse or condo development.

R. Lehrberg realizes it is a difficult market.

EM thinks that clusters might work out in that location.

P. Herr states there is the possibility to do it as a cluster for a single family development. They could use the golf course as open land. The subdivision stays with the plan for the roads and utilities. When the zoning changes, they will have to reconfigure the roads which may not work.

RL addresses the access issue.

EM states that the previous owners offered to give up the access and then came back to get it back but it was never recorded so the access they are using is illegal.

B. Lord states that the access is not given up until the subdivision starts. It is not an illegal access for the golf course.

EM states that the rezoning was not done to punish New England Country Club but to protect the town.

P. Herr suggests that they could go affordable with the decision done by the ZBA and local housing partnership. They have had two projects in town. The state rule of thumb quadruples to prevailing density. They may want to get the approved revised plan rendered. 200 units is reasonable for the town. They would lose a lot with 40,000 square foot lots.

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RL asks if they see the course as public or private in the future.

M. Orscheln foresees it as public.

GERRIOR BACKLOT SPECIAL PERMIT

B. Lord explains that a new decision has been issued by the ZBA for the variances. The Planning Board decision was held up because of the ZBA decision.

EM recalls that the Board closed the public hearing and voted to grant the special permit at the public hearing but held off on the decision because the ZBA decision had to be rewritten.

B. Lord went back to the ZBA who rewrote their decision. The 20 day appeal period expired on August 18, 1995.

AM moves to instruct Clerk to prepare a decision approving the Gerrior backlot special permit. PC seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

GENERAL

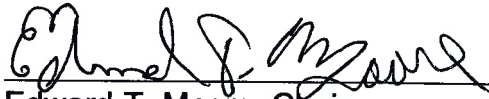
Members sign invoices for U.S. PostMaster, stamps and P.O. Box fee, \$10.00 to record new Associate Member's signature at the Registry of Deeds and payment to P. Herr for some new Bylaw books.

P. Herr attended court today relative to the busing issue and whether or not they could park the buses. J. Emidy said that they could but P. Herr said that they could not. The judge agreed with P. Herr.

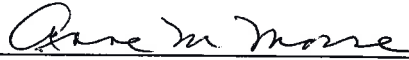
AM moves to adjourn at 12:20 a.m. RL seconds. Unanimous vote of 5.

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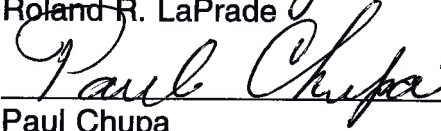
Edward T. Moore, Chairman



Anne M. Morse, Vice Chairman



Roland R. LaPrade



Paul Chupa



William M. Wozniak