

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

MAY 23, 1996

Meeting commenced at 7:01 p.m. All members were present. Associate Member Richard Dill and Planning Board consultant Philip B. Herr were also present.

81-P SUBMISSION

Robert Adam, Blackstone Street, Blackstone, MA for property located on the east side of Center Street for one proposed new lot.

AM discloses for the record that she is an abutter to this parcel.

EM asks if the plan says what the zoning is.

R. Adam responds that it is suburban.

EM notes that there is plenty of acreage and frontage. He makes a motion to sign the 81-P, RL seconds. Vote of 4 (AM, RL, EM and PC). WW not present for the vote.

WW joins the meeting at 7:07 p.m.

DISCUSSION RE: BALD HILL ESTATES BOND

Mary Ellen Hutchins, 19 Gemmur Lane, purchased a lot in Bald Hill Estates in 1991. When she decided to build her home in the spring of 1992, she was told that a \$7,000 bond had to be posted before she could receive a building permit. The money was paid to the town and put into a passbook. She understood that the responsibility for paving the road would be the town's. Two

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years later the entire development was sold to B & S Realty, Burt Rhodes. The passbook funds which were deposited by her were transferred to B & S Realty when he purchased the whole development and all the responsibilities. She asks why that was done.

AM talked with Town Treasurer Grace DeVitt and received copies of all the records pertaining to this bond. The money was transferred into another account on the advice of Town Counsel.

EM notes that the money is still in an account with the town for the road. The money has not been given to anyone and is still held in escrow for the town. If there is a balance after the road is completed, the balance will be split up amongst the lots. He also discussed this with Town Counsel.

AM points out that the developer is required to provide an As-Built plan as well. It is not just the road. There are a lot of other factors. The Town keeps a percentage of the money until the completed road has passed a winter.

EM indicates the remaining money will be divided amongst the lots. Usually it would have been the builder who should have put up the \$7,000 not the individual home buyer.

M. Hutchins states that this \$7,000 was over and above what she had to pay for the house and the lot.

EM states that the developer wasn't supposed to sell the lot without putting up the money first. Town Counsel said that any money which is left will be split up.

Burt Rhodes from the audience notes that when he bought the property there was \$100,000 due for road bond and taxes. The FDIC told him that the \$14,000 went towards the road bond.

AM explains that the developer has to come before the Board after the road has been inspected by the DPW. The money will not be released until he comes in and the road is finished.

DISCUSSION WITH CFO MARILYN MATHIEU AND DPW DIRECTOR DONALD DIMARTINO RE: GIS MAPS

M. Mathieu explains that she and D. DiMartino are here to get information from the Planning Board before they go forward with the GIS system which is the Geographical Information System. The fly over has been completed.

D. DiMartino continues that the GIS takes information which the town has available including any written information related to the parcel on the ground and puts it into a program which is easily accessible from the map. They will be able to click on the lot they are interested in so they can ultimately pull up any information which is available. They will be able to look at vacant

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properties in an instant to get information pertaining to build out and zoning changes. They are here to get P. Herr's feedback relative to his experience with GIS in other town's and if it works with the Master Plan. They will be taking the maps and putting them into computerized files.

M. Mathieu further explains they have done the fly over. The maps are being digitized. They would like the Planning Board's input because the Planning Board is the driving force on how much or how little information should be included. They want it to be useful to everybody. The maps in the Assessor's Office are a disaster. They can build up or down including the sewer lines and water lines. It all ties into a whole town wide system. This is important to the Planning Board for mapping but they don't want to spend money which they don't have to spend.

EM asks how it fits in with the Master Plan study. Is it repetitious or will it help to do both together?

D. DiMartino replies they will get the GIS and put it on line to make it work. It changes the way the town gets information and changes the structuring.

EM asks if they should wait for the Master Plan and do them together.

M. Mathieu states that the fly over is a done deal. It is a starting basis. She doesn't know where it starts with the Planning Board.

P. Herr indicates that many communities have a GIS system. It is emerging as the appropriate way to handle spatial data but it is not easy. There is no conflict. It will not have to be redone or changed because of the Master Plan. They are putting in the basis information now. One real issue is who will make the system work. Many more towns start this than the number that actually make it work. The second issue is image. Information on the computer will be called up and overlaid in so many feet. It would be useful if the person using it were able to do it themselves. In order to make it useful other people will wind up with hard copy which will be in big pieces. The system design is for large scale mapping capability. They have to do it in a way which produces reproducible copy. They can get beautiful multicolored unique documents. The early uses have less to do with the Master Plan than in project review. It will enable the Planning Board and abutting residents of parcels like Deer Run to see it in the larger context. There will be a June 22, 1996 Master Plan workshop in place and running which will give them some sense of the time schedule.

M. Mathieu points out that this is in the infancy stages. The mapping will be loaded within the next 3 months.

D. DiMartino explains it will be accurate with ground surveying overlay including buildings, road edges and telephone poles. They will show property lines which could be basic using the Assessor's map now. They will have a bunch of transparencies showing property lines which

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can click in layers of houses which can be zoomed in. The Assessor's map will be in a bunch of layers which will give everything they can see from the aerial photograph.

P. Herr asks if there is someone in house who can manipulate this information.

D. DiMartino responds that AutoCAD will be used but there is another software they can link into which is called Arkview.

M. Mathieu is looking at the thought process.

D. DiMartino wants to know how it will work for the Planning Board and the town. They will be able to produce maps. Once they get the file, they can plot up to 4' wide.

RL thinks it is a good idea.

M. Mathieu will give P. Herr all the specifications so he can review.

AM advises people in the audience that the Deer Run public hearing will commence at 8:00 p.m.

PINECREST DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING

Roger Gagnon, developer needs a continuance to the next meeting since his engineer is not done with the plan.

EM moves to continue to June 13, 1996 at 8:00 p.m. PC seconds. Unanimous vote of 5.

R. Gagnon presents a letter requesting an extension of the time frame for action to June 30, 1996.

The plan will be forwarded to D. Fraine for the independent engineering review for the next meeting.

DISCUSSION RE: MASTER PLAN AND SUBDIVISION REGULATIONS

P. Herr talked with J. Mayhew who is recruiting people for the committee.

RL notes that Betsy Cournoyer gets the back up and T. DeVitt agreed to serve.

P. Herr printed the Subdivision Rules and Regulations with the amendments. He distributes copies for Board members. A couple of typos have been corrected. He refers to one small matter on page 3-5, Section 3212(d), Professional Review Fee. In 1988 (d) was typed "one dollar" with "\$2.00) per linear foot" in parenthesis. He checked his notes and Clerk checked minutes but couldn't find a record of the Planning Board discussing the fee amount. He decided to make it

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\$1.00 consistently. When they set up an escrow amount as specified in D. DiMartino's suggested article, this will get used more often. They will let it sit now and amend it later. It is only a deposit. If it is drawn down, the developer would have to put more in.

RL understands that if it stays at \$1.00, it will get replenished more often.

HERITAGE PINES PRELIMINARY SUBMISSION

Bruce Lord, Esquire submits the Heritage Pines preliminary subdivision application and plans for 10 lots on Blackstone Street and S. Main St. This was an old 1968 subdivision which is being submitted as a new plan.

Board schedules preliminary discussion for June 13, 1996 at 8:30 p.m.

GENERAL DISCUSSION INCLUDING OFFERED RAILROAD PROPERTY

Members sign invoice for corrected Milford Daily News bill for Accessory Apartment and Height Limitations advertising.

Clerk advises Board members that WS Development is coming in at 7:00 p.m. on June 13, 1996 to discuss a proposal for the Charles River Center, another 250,000+ retail development across from Stallbrook Center for retail and a theater.

P. Herr reviews the Notice of Offered Railroad property for 3.05 acres at North Street and Irene Court. If it is not acquired by the town, it may be privately sold. It is at North St. to the Mendon line and at Irene Court and could be used for a wonderful pathway.

EM thinks it is a nice area through there and the town should look at acquiring it.

P. Herr suggests it is something which the town should look at right away. They should bring it to D. Fraine's attention right away.

AM states the cost is \$2,000 for the whole area.

P. Herr asks if there is any group in town interested in trails.

RL replies there is the Metacomet Land Trust.

P. Herr suggests the Board send a copy of this notice to C. Matthews and D. Fraine as soon as possible advising them that this is something which the town should be interested in.

WW reviews notice and advises that the property is offered to the town first. It will be sold after

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90 days if the town doesn't buy it.

EM thinks it could make a nice trail.

AM calls for a 5 minute recess to allow the Board time to review Deer Run correspondence.

EM moves to adjourn to the Upper Town Hall because of the great number of interested abutters present. RL seconds. Unanimous vote to adjourn.

DEER RUN CLUSTER SPECIAL PERMIT AND DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARINGS

AM reopens the public hearing.

Sgt. Haughey apologizes for not replying sooner but has been out of work on an injury for the past 3 ½ months and just came back. He looked at the plans. There is no problem with Pine Grove but there may be a problem with Pulaski Blvd. He has to determine where the road will be and would like clarification. He looks at the site distance. There is the required 300' site distance at Pine Grove. He knows there will be an increase in traffic. There are two numbers on the plan 142' and 169' so he can't understand where the road is and asks the developer for clarification.

Fred Pfishner, developer's engineer, responds that it is at the culvert on Pulaski Blvd. going toward Franklin. He points out the curve and the existing house.

Sara Pultz, Salvetti Engineering, advises that the existing house is owned by Mr. Taylor.

Sgt. Haughey asks how many feet it is from the driveway. He needs the exact number of feet from the driveway.

F. Pfishner points out Clark Brook and states it is a couple hundred feet beyond that.

Sgt. Haughey asks if it is 142' from the driveway or the edge of Clark's property.

F. Pfishner replies it is 200' from Clark's driveway.

Sgt. Haughey requests the information be forwarded to him in writing.

RL asks about the intersection of Pine Grove and Muron.

Sgt. Haughey is not allowed to address issues other than site distance. He has no power or authority. He hears the abutters concerns but it is an accepted street. He doesn't know how they

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can say no. There will be more accidents and more traffic but he can't address the increased traffic because it is already an accepted street.

EM notes that Mr. Pfishner did a short traffic study which Sgt. Haughey may be interested in reviewing.

Herman Fafard, from the audience, states it was done at the wrong time of the morning.

Sgt. Haughey will be glad to look at it. He knows there will be an increase in vehicles and knows there will be more accidents but it is a town accepted road.

AM believes that is true of any development.

Julian Gingrass points out they will not be local cars but cars cutting through.

AM advises that if the developer meets the Rules and Regulations, the Board can't stop them.

Sgt. Haughey indicates that there are some areas of the town where the site distance was less than 300' and it was waived by the Board. He can't say the Board should deny it.

Julian Gingrass refers to El Gee Products whose trailers go in and block his driveway. This would be making it more of a safety hazard.

AM asks the developer to provide Sgt. Haughey with the information he has requested.

Sgt. Haughey would be glad to give the Board a letter with his recommendation if they want it.

Board members agree that they want his recommendation.

Sgt. Haughey was not aware of the blocking in the street. He will be glad to go down there if someone calls in and reports it. He will send a cruiser down.

Mr. Garrett asks about the site distance. Do they take into consideration the width of the road?

Sgt. Haughey replies that as long as they can see 300', the site distance is okay. This is not narrow. Caryville Crossing doesn't make it. He is concerned about the access on Pulaski Blvd. How do they change the Bylaw?

AM indicates that the Bylaw is based on Chapter 40 which is state law.

Bill Yasick, Pine Grove Avenue, would like to walk the property with Sgt. Haughey and will give his phone number.

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AM indicates the applicant should be given the same opportunity.

B. Yasick refers to the traffic analysis which was not a full traffic analysis.

WW reads letter from Fire Chief Richard Ranieri, dated May 23, 1996 wherein he states that the hydrant spaces appears to be okay since the distance is 500' between each hydrant. His only concern is street names. One of the street names is Deer Run Road. The town has streets named Deerfield Lane and Fox Run Road. He doesn't know if this may cause some confusion so points it out for the Board's consideration.

B. Yasick reads his letter dated May 22, 1996 which he sent to put on record some of his concerns relative to this subdivision. Based on the preliminary conventional plan, he finds the cluster plan inappropriate. The plan is defective because it disregards the crossing over Arnold's Brook which is already considered unacceptable. Based on the town's definition of "lot area", the proposal contains several unacceptable lots. Compliance shall be exclusive to certain protected wetlands. The person submitting an application should be required to submit a conventional plan based on using Pine Grove as a means of egress. The environmental analysis raised several concerns. Section 324 clearly states that impact upon ground and surface water quality must be addressed. The environmental analysis states "that report deals essentially with quantity as opposed to quality". The site distance at the intersection of Muron and Pine Grove is also excellent. He has had several near misses at this intersection. He and other residents of Muron and Pine Grove have called the police notifying them of the safety hazard. His final concern is the retention basins and the contribution of these basins by the wetlands. He does not think the town should allow individual homeowners to be responsible for something as important as these basins. He does not agree with taking the wetlands off the tax roles. He believes these matters could be addressed by having the developer establish a homeowners association consisting of Deer Run residents. They would be responsible as a group to maintain the basins. The developer could also designate the wetlands as conservation land. This would result in no further development in the area. The homeowners association would then not have to pay the taxes for this land. He uses the case of Home Depot as an example.

AM can address some of Mr. Yasick's concerns. This is a subdivision, not a condo association. It is not in the Board's authority to form an association.

RL refers to the Bylaw which says if it creates open space to create an association or give it to the town.

AM notes that the Conservation Commission is very interested in having the parcel.

S. Pultz refers to the lot area in a residential district. The cluster zone in a suburban district follows the Rules and Regulations for residential zoning at 20,000 square feet lot area which they have for every lot.

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B. Yasick is questioning the preliminary conventional plan.

RL advises that the conventional plan is accessing through the wetlands which was not really working.

Erik Anderberg, Esquire, on behalf of applicant, indicates that the Conservation Commission didn't say it is not workable. They did say they preferred it. They presented the conventional plan to the Planning Board. There was no approval but they were told to go ahead with the cluster.

B. Yasick points out that in the minutes of the last meeting, the developer's representative said Conservation wouldn't allow it.

WW states that the Planning Board didn't tell them 37 was okay. The developer wanted a commitment but the Planning Board didn't commit. The 37 is still a tricky number.

B. Yasick states the 37 lots don't work. Lot 1 is 50% in the flood plain, lot 2 is 50% wet and in the flood plain, lot 36 is in the flood plain, lot 35 is 50% in the flood plain, lot 22 is wet in the front, lot 18 doesn't show the flood plain and lot 17 doesn't show the flood plain. The cluster is not acceptable unless the conventional is.

E. Anderberg indicates that is not true according to the Bylaw which allows an alternative method. There is a mathematical formula which can be used without filing a preliminary.

B. Yasick reiterates there are not 37 buildable lots.

P. Herr doesn't think having a portion of the lots in a flood plain is deductible. Each lot satisfies the 90% lot area requirement without the wetland. They can always elevate the lots. He suggests the applicant check the lots.

B. Yasick believes that with 90% of a lot within a flood plan, it will allow water accumulation.

P. Herr states the first question relative to dividing the land into lots is mechanics.

B. Yasick indicates that the Conservation Commission agreed the lots he identified are unbuildable lots. The Conservation Commission deferred their decision to the Planning Board as to whether or not the lots are buildable.

P. Herr explains they shouldn't put more houses in a cluster than they can get on a conventional plan. Would the Conservation Commission have the authority to say some of the lots are not buildable if they do reconsider the number of lots? He asks the applicant to recheck the lots for the wetlands.

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B. Yasick thinks all the lots should be reviewed.

P. Herr advises that the Board has a plan which their engineer says complies.

B. Yasick refers to the questionable lot numbers again for the developer's attorney including lot 1 in a flood plain and not appropriate, lot 2 wet and in a flood plain, lot 36 in a flood plain identified at a Conservation Commission meeting, lot 35 in a flood plain, lot 22 wet, lot 18 flood plain and wet qualifications and lot 17 not shown in a flood plain. He is targeting the lots because of concern with the Conservation Commission. He went to their meeting under general business and questioned the Conservation Commission about this.

AM believes it was inappropriate for him to go to the meeting without the developer there.

B. Yasick replies the developer went to the Conservation Commission two times before he did and he wasn't there.

AM refers to the issue of retention basins for which the town assumes liability. The town doesn't want the responsibility.

EM points out that the town does assume the responsibility and is provided an easement to maintain. They need to know if the conventional plan works or if the developer has to go to the Conservation Commission for approval before they go on with the cluster.

P. Herr asks if the conventional plan is approvable by them for 37 building lots.

EM wants to know if the conventional is workable.

E. Anderberg doesn't believe they have to go to Conservation because they are under the threshold of 5,000 square feet.

Mrs. Lawton reads letter written by her husband John Lawton, dated May 20, 1996, wherein he advises that he and his family are very concerned about the Deer Run development since it provides for an open retention basin that will be located on their boundary line only 37 ' from their house. They will be on the corner of Deer Run Road and Pine Grove Ave. with this open pit wrapped around two sides of their property on their boundary line next to their septic tank and leach field. They are very concerned about the health hazard this open basin will create. Mosquitos will breed encephalitis and other potentially dangerous viruses. Rodents are being treating with D-Con as well as skunks and other small animals. This is dangerous to the aquifer but who will clean the basin and maintain it. Plans call for most of the runoff from the subdivision to collect in this stagnant basin and leach into Peters River which is next to the town wells. This will only add more contamination to an already questionable drinking water supply. Flooding is also a concern since their land is more than 4' lower than the basin. He already has a

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sump pump working in the spring and during heavy rains. What happens if someone doesn't maintain the retention?

E. Anderberg will make a presentation relative to those issues.

Clerk reads letter from Amory Engineer, Walter Amory, dated May 16, 1996 wherein he states they reviewed the definitive plan drawings and the Environmental Analysis. He also inspected the site on May 15. Background information states this is a proposed 37 lot residential cluster subdivision to be located on a 48 acre site in a recently abandoned gravel pit northeast of Pine Grove Avenue. Access road will extend from Pine Grove Ave. northerly to Pulaski Blvd on Deer Run Rd., a ½ mile distance. A 500' cul-de-sac, Taylor Drive will extend from Deer Run Road at about mid-length. Arnold's Brook flows along the west edge of the site. Peter's River abuts a portion of the southerly perimeter of the site. There are several depressions on the site which contained water at the time of the site inspection. The drainage system proposed will include catch basins, manholes and drain piping for collection of street stormwater runoff. Runoff will be discharged to Arnold's Brook, at the north end of Deer Run Road, at Lot 17, to a retention basin at the Taylor Drive cul-de-sac (lot 28) and to another detention basin at the south end of Deer Run Road on either lot 1 or Parcel A, pending site conditions. His comments relate to the proposed drainage system but he has given the plan a general overview. Drainage comments include: 1. An off-line oil/gas separator should be provided for drain outfall piping to both detention basins. The purpose of the separators will be to protect groundwater quality. 2. Construction details should be shown for the retention basins (Rules and Regulations P 3-5). 3. Test pits should be dug at the location of retention basins to identify soil conditions and groundwater level (R & R p. 3-4). 4. Retention basin bottom should be at least 2' above maximum groundwater table (R & R p. 4-10). 5. The drainage system should be designed so that it will not surcharge during a 25 year storm (R & R p. 4-8). To accomplish this objective, one or more of the following will be required: a. Raise roads; b. Enlarge drain pipe; c. Enlarge detention basin area(s). 6. The estimated time required for detention basins to drain should be based on a rate of infiltration equal to 0.25 x percolation rate. 7. The proposed conduit for Arnold's Brook beneath Pine Grove Ave. should be of reinforced or pre-stressed concrete construction, not corrugated metal pipe. 8. All catch basins should be piped to drain manholes (R & R p. 4-9). 9. A silt trap should be provided for the drain outfall on Lot 17 (R & R p. 4-8). 10. Catch basin detail, sheet 21, should show a 30" deep sump (R & R "Typical Street Cross-Section"). 11. There are some technical details relating to the Rational Formula used for drainage design which Mr. Pfishner and he should review in connection with item 5 listed. General comments include: 1. The applicant should demonstrate that the depressions, which contained water at the time of his site inspection are not Isolated Lands Subject to Flooding, prior to release of any lot(s) containing depressions. 2. Removal of gravel should not be allowed within the 100' wetlands buffer zone. 3. The dead-end of the water main in Taylor Drive should be looped to prevent water quality deterioration (R & R p. 4-12). 4. Proper separation between water and sewer mains should be provided. 5. Construction details for the sewer siphon in Pine Grove Ave. under Arnold's Brook should be clarified.

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E. Anderberg indicates that a lot has been corrected on the plan. They haven't had time to respond completely to Amory's comments since they only received them on May 20 but they have a detailed response to D. DiMartino's concerns.

F. Pfishner prepared a response to Amory's letter items 1 - 6 and 11. He reads his memo, dated May 23, 1996. Item #1; After talking with Mr. Amory he understands what is meant by an "off-line" oil/gas separator. This device takes the "first flush" of stormwater and removes oil and gas that isn't already trapped by the catch basin hoods. It is an additional maintenance item. Gas traps are already proposed for each of the catch basins. He can provide an additional oil/gas separator on each of the lines that discharge to the retention basins. Item #2; Construction details will be added for the retention basins. Item #3; Test pits have been dug, and the results are attached. Soil conditions were essentially as expected based on the SCS mapping. Item #4; a. Retention basin #1 has been moved. The bottom of the basin is 2' above the design water table of El. 184.5. Attached is a draft sketch of this basin. Final calculations need to be done. The basin will be sized to eliminate any surcharge of the storm drain system for the 25 year storm. The new location of the basin also results in a reduction in the drainage area that currently contributes runoff directly to Pine Grove Avenue. He also notes it is likely that the storm water that is retained in this basin will tend to flow towards Arnold's Brook, although, based on the soil testing, the groundwater table doesn't appear to have much of a gradient in this area. b. At the area of basin #2, there appears to be a groundwater gradient towards Peter's River, based on the soil tests and previous observations of standing water in several small depressions in the area. The attached sketch shows his estimate of the seasonal high groundwater gradient in the vicinity of the basin. The revised basin contours now provide for about 1-1/2' of separation to seasonal high groundwater. Depending upon the final calculations, and the resolution of Item #5, it may be possible to increase the separation to 2'. Item #5; The revision to basin #1 eliminates any surcharge during the 25 year storm. The system that drains to basin #2 is not surcharged during the 25 year storm. The water level in the basin is about El. 189', which is 1' above the invert of the drain inlet. However, the 18" drain is running essentially full at the design flow. The drain outlet is partially submerged. If the basin is raised 6" (to obtain the desired 2' separation) the 18" drain outlet would be totally submerged, but not surcharged. The only way to eliminate the submerged condition of the drain outlet is to raise the outlet about 1' to 1 1/2'. This can be accomplished in two ways: one is to raise the entire drain system, and roadway; the second way is to use more realistic design flows in the Rational Method. The drains were all sized based on the Rational Method, which results in design flows about 3 times what is expected based on the results of the TR-55 method which takes into account the excellent soils on this site. This approach would allow some of the drains to be flattened, and it may be possible to raise the outlet without raising the road. Even with the submerged condition, drain velocities are above scouring velocities and the drains will not silt up. Item #6; If the perc rate is 2 MPI, and he uses 4 times this rate, or 8 MPI for an infiltration rate as suggested, then the basin will drop 3' in less than 4 hours. The 6 hour estimate he provided is based on published literature, and is more conservative. Item #11; Additional review with Mr. Amory is required after the calculations are revised to reflect the design changes. He also presents a copy of the oil/gas separators and soil

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test data. The soils are sand and gravel. Relative to #4, they are proposing to move retention basin #1 to the rear of lot 1 and 2. It is lower than proposed originally because they know where the water table is. It is 2' above the water table as required. It will intercept some of the runoff which now goes to their property.

WW asks where it will go if it does overflow?

F. Pfishner responds the ground is at 196 and the catch basin is at 192.8. Before the basin overflows, the catch basin will overflow. There is an emergency outlet. It is designed so it won't overflow during the 100 year storm. Retention #2 groundwater will gradient towards Peters River. Relative to Item #11, there is a significant issue which is unresolved relative to the submergence of the outlet for detention #2. Right now it is 1 ½'. They will try to increase it to 2' or more. The most important issue was moving retention basin #1.

EM refers to Amory letter, question #7, is the corrugated pipe there now?

F. Pfishner responds there is currently a corrugated metal pipe. He recommends reinforced concrete which is reflected on the revised plan.

B. Remillard reads his letter, dated May 17, 1996 wherein he states that the Planning Board held a defective and/or invalid public hearing on May 9, 1996 for two reasons. First, the public hearing was held one day prior to the filing of an Environmental Analysis Report with the Town Clerk on May 10, 1996, copy of front page enclosed, which is a violation of the Planning Board Rules and Regulations and also which served to deprive and deny the abutters an opportunity to observe and study this Report prior to the date of the public hearing. Article III, Section 32, p. 321, subsection 3211(k), of the Rules and Regulations require that an environmental analysis report be filed with the Town Clerk with the definitive plan. The definitive plan was filed on April 18, 1996. The public hearing was held on May 9, 1996 and the Environmental Analysis Report was filed with the Town Clerk on May 10, 1996. Second, some residents and abutters on Pine Grove Avenue were not notified by certified mail of the public hearing, as required by Article III, Section 32, p. 327 of the Rules and Regulations. This paragraph states that "A copy of said notice shall be mailed by certified mail to all owners of land abutting upon the subdivision, including property owners on the opposite side of any streets abutting the subdivision, as appearing in the most recent tax list". Since Pine Grove is clearly outlined as part of the subdivision on the definitive plan, wherein it shows the construction and installation of a sewerage line, and also the reconstruction of the street and bridge, every resident on Pine Grove Ave. should have been notified. Another public hearing should be rescheduled, using the date of May 10, 1996, the Environmental Analysis Report filing, as the official filing date of the definitive plan, and the hearing should be readvertised, abutters renotified including all residents of Pine Grove Avenue.

E. Anderberg states that the Planning Board Rules and Regulations require that a number of

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things be filed for the hearing. The plans are ongoing. The process of approval is an ongoing process. Perhaps what Mr. Remillard is saying would be true if the hearing were closed. He doesn't think it was defective. Pine Grove Avenue and Muron are not part of the subdivision but are off site improvements of a public way. The plan doesn't change the proposed improvement of a public way. Notice of the hearing is done by petitioning the Assessor's office. They used the list provided by the Assessor's.

B. Remillard disagrees. What is being done will affect every home on Pine Grove. It will be destructive to their life and will destroy their life for one year.

AM doesn't have the expertise relative to this matter and will refer Mr. Remillard's letter to Town Counsel. She instructs Clerk to send a letter to Town Counsel requesting a response relative to Mr. Remillard's May 17, 1996 letter.

EM knows that Town Counsel will check out the issues presented but asks what is gained by starting over with the same information. The Assessor's provide a list abutter to abutter within 300'. He doesn't think there is anyone who is not aware of what is happening. The risk is on the applicant. He can renotify if he wants to. The Board would like to hear Lee Ambler's response.

Diane Hubbard, 100 Muron Avenue, reads letter from her husband William A. Hubbard who could not come tonight. He states "The Town of Bellingham and it's small community of Pine Grove and Muron Avenues are about to allow a developer to make substantial profits. It is reasonable to find a solution to allow the developer a profit and sustain the community social and environmental fabric of the area. We know the development will alter the flood plain and eventually allow destruction of wetlands (lots 4, 5, 9, 10), so requesting reasonable concessions from the developer is socially responsible. We request the following questions be answered in the upcoming evaluation of the proposed Deer Run development of the Bellingham Drive In: Is the designated Parcel A going to be deeded to the Conservation Commission permanently? Does the Muron Street right of way, designed as a 50' by 375' right of way in the March 29, 1996 plan, also become a conservation easement permanently? What process can the residents of Muron Avenue execute to assure the right of way is not converted to a thruway, compromising our dead end street safety for our children? Is there a win-win situation for the Pine Grove residents and the developer - can the paved surface of Deer Run Road end, say 30' from Pine Grove Avenue, and the area graveled or hard packed for emergency vehicle access? This would seem to be a reasonable compromise that would eliminate the traffic on Pine Grove but allow the development".

E. Anderberg responds it is their intention to convey parcel A permanently to the Conservation Commission and the Town of Bellingham. The 50' right of way is intended for a possible future connection when the disposition is decided. The zoning is unclear. Ending Deer Run before Pine Grove is not allowed by the Planning Board Rules and Regulations. They are trying to find a way to let the plan meet all the Board's requirements. The Planning Board's Regulations allow

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no more than 12 lots on a single exit road. The first few revisions didn't show the Pine Grove exit. It didn't comply because they have more than 12 lots with cul-de-sacs. This plan has two exits to provide additional safety exit for both points. He is aware of the traffic but doesn't think it will be as dire as presented. If the plan complies and satisfies the Police Dept. site distance, the Board is obliged to approve it. This is an ongoing process. They make revisions when they receive comments on the plans. They are open to reasonable methods for dealing with the concerns for the traffic.

P. Herr believes that if the Planning Board limits the egress for emergency access only, it will damage the plan but it would cure some concerns.

D. Hubbard is not opposed to the development but this would calm down some of the concerns.

P. Herr suggests that they need to hear from the Safety Officer first relative to the Pulaski Blvd. access.

EM wants to make sure this wouldn't prohibit the sewer going up Pine Grove. He suggests Mr. Jones look at the people's traffic concerns and see if there is something to work with. If the Board is willing to solve the strict requirement, he may not want to reconfigure the subdivision.

P. Herr suggests they connect with Sgt. Haughey first to see if the Pulaski Blvd. egress is good.

B. Remillard asks how they would limit the emergency egress?

EM responds it would have a breakaway gate for emergency vehicles only.

Gary Fafard, Muron Avenue, asks if there is any way to permanently give the easement road to the town?

E. Anderberg responds at this time, Gracewood Development is not willing to do that.

Gloria Fafard, 90 Muron Avenue, thought it would be an access road only.

EM explains they are keeping the right to put in a road to get to the drive-in.

Joseph Carroll, representing Michael Watier, Muron Avenue, asks about benefits relative to this tract of land. Section 40A, Section 9 list 3 components for a cluster: lot, accessory use and open space component. Anything which is not a lot or roadway should be open space. All other land must be devoted to open space. He doesn't think it is in their power to hold the easement.

PC thinks the land in front is zoned commercial.

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P. Herr indicates it is an interesting point and Mr. Carroll may be right. The developer could exclude it from the development.

EM states they could 81-P it.

B. Remillard asks about the sewer installation. The depth of the pipe by his house is 5' below the road. Will he have to pump the sewerage up?

WW responds that he could need an ejector pump for the sewerage.

AM notes he is not required to tie in.

B. Remillard never heard of it being that shallow.

F. Pfishner explains that each house is different. The north side of Pine Grove will be done by gravity. The south side may need ejector pumps. If not set deeper, it will connect to the existing sewer by gravity.

B. Remillard shouldn't be forced to tie in and have to buy a pump.

PC indicates there if no betterment fee if they don't tie in.

B. Remillard thinks the cost of the pump should be paid by the developer.

E. Anderberg states the connection fee is \$2,600 per house.

F. Pfishner is providing a 10" sewer rather than the conventional 8".

?, 10 Pine Grove Avenue, asks about the \$2,600 fee. He lives at the corner of Pine Grove and Muron. Will each individual pay?

Kevin Bradley, 90 Pine Grove Avenue, refers to the issue of extending Pine Grove Avenue if the Police Dept. approves the site distance. Pine Grove Ave. is 1420' long with 735' having a sidewalk and 650 no sidewalk. The sidewalk which is there is 50% impassable. He is concerned about the kids in the neighborhood getting run over. That should be addressed by the town. He agrees with the Planning Board that it will eventually be developed. The contractor is not reactionary. What can they do to get the developer in to the meetings? He is concerned about having a retention pond on private property. What happens if his daughter goes up and climbs the fence and gets hurt? Whose liability is it? He refers to the possibility of a strip mall and their road being used for an access road for a thruway in the same neighborhood. The developer has rights and the residents have rights. It doesn't appear that everything is being addressed up front. They have a 22' wide road. Someone is going to get killed. Where can the residents turn? This

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will be a cut through. They will open up the road for everyday people to go by two ways. The sidewalk is not adequate for open traffic.

EM states they can make the developer put in a sidewalk on the street they are building.

RL can make them do a full study rather than the short study which was done.

EM indicates that the developer can request a waiver and the Board can decide if it is better for the town to grant the waiver.

WW refers to the breakaway gate. Who repairs it once one person break through it?

Cam Valiant, 80 Muron Avenue, asks if the developer is obligated to produce a drainage plan that works. If it fails, who can they call?

EM indicates that the Board is sending it to an unbiased company to review it to make sure it works. He makes a motion to continue the public hearing to June 27, 1996 at 7:30 p.m.

B. Yasick stands and yells he has had his hand up long before the Board started. He has had it.

AM is trying to be fair and is trying to listen to other people. If Mr. Yasick does not sit down and stop yelling, she will get an officer to remove him from the room.

PC calls for Mr. Yasick to sit down so they can proceed.

Charles Johnson, 120 Pine Grove Avenue has a couple of issues. He asks when the Conservation Commission gets involved since there are a lot of Conservation Commission issues. The builder went there in the beginning. When does he go back? There is another set of plans tonight. Which plans do they review?

EM explains this is an ongoing process. The engineers revise according the issues raised.

AM believes the plans do have to go back to the Conservation Commission and DPW once they are revised.

B. Yasick comments about new issues raised tonight. The 81-P will remove the easement.

EM explains the 81-P will remove a portion of the land.

B. Yasick states if they deny the ability to donate Parcel A to the town, it wouldn't give them 40' of frontage.

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P. Herr thinks they would find it someday.

B. Yasick asks why the developer hasn't shown up at the last meetings.

EM responds that he doesn't have to. He hires a representative.

D. Hubbard comments the Planning Board should understand they are trying to look into the flooding and traffic concerns. They are all on edge here and they are all united when hands go up. The Planning Board knows what they are doing but they are trying to understand. The Board has a lousy snappy attitude. They don't want to be snapped at. It is an attitude thing.

AM explains that the Board has discretionary power.

PG knows most of the people in the audience. The Board is trying to do their job and be fair to everybody. The Board's biggest concern is the residents since they have to live with the residents after the builder is gone. The Board has to go by the Rules and Regulations.

WW notes these are Massachusetts Laws.

Herman Fafard, believes that to some members of the Board everything they bring up is inappropriate but it is appropriate for them. They are just kidding themselves because this will pass. How can it be inappropriate to go to the Conservation Commission without the developer?

AM was just trying to say they would get more answers if the developer were at the same meeting.

B. Remillard explains that Mr. Yasick has his hand up often because he has organized the whole thing for the abutting neighborhood for the past two months and has held meetings in his home. He is cognizant on what is going on. Hearing him out benefits the whole neighborhood. He is angry because he believes he is being ignored.

? From the audience states that what Mr. Yasick is saying he is saying "for all of us".

AM is trying to be respectful to everybody.

B. Yasick asks if the revised plans are at the Town Clerk's office.

E. Anderberg has been here for 2 ½ hours. They spent time preparing responses. The meeting was devoted to questions from the neighborhood. They will bring revised plans to the library so people have more time to look them over. He requests guidance. It doesn't make sense to do a full traffic study if the Board will look at a waiver. He requests copies of all correspondence received by the Board be sent to him prior to the next meeting.

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Board agrees Clerk can send copies.

EM moves to continue to June 27, 1996 at 7:30 p.m. PC seconds. Unanimous vote of 5.

SHORES AT SILVER LAKE CONTINUED SPECIAL PERMIT

EM refers to another request for continuance forward by Janice Hannert, Fafard representative to continue to June 27, 1996 with an extension to July 30, 1996. He asks if the Board should discuss it or disapprove.

P. Herr suggests the Board send a letter to the developer stating that their patience is running thin. The Board intends to close the matter and direct the consultant to prepare a decision at the next hearing date. The Board should suggest she be in attendance to provide guidance and suggest they withdraw without prejudice.

EM states if they deny, they will have to put in reasons and the developer will just appeal it. He moves to continue to June 27, 1996 at 9:00 p.m. and send letter suggested by P. Herr encouraging the developer to withdraw without prejudice and resubmit at a later date since they are not ready now.

P. Herr states that the Board could cure connecting a building with a subterranean wall by changing the zoning. The Board could discuss it at the next meeting.

Clerk to advise developer's representative that the Board will hold a discussion relative to multifamily structures at the same meeting on June 27, 1996.

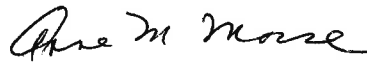
EM suggests that the developer be notified that Mr. Yasick is the neighborhood's spokesperson. It would be a good idea for the developer to provide Mr. Yasick with copies of a set of plans so the neighbors can look at them.

Clerk to provide copies of developer's correspondence for Mr. Yasick as requested this evening and for Mr. Anderberg of all residents comments. Board members agree Clerk can charge \$.20 per page for all copies.

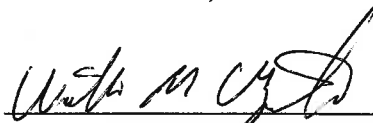
EM moves to adjourn at 10:55 p.m. PC seconds. Unanimous vote of 5.

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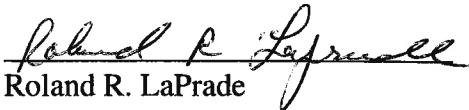
MAY 23, 1996




Anne M. Morse, Chairman



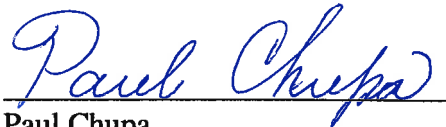
William M. Wozniak, Vice Chairman



Roland R. LaPrade



Edward T. Moore



Paul Chupa