

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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EDWARD T. MOORE
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MINUTES OF REGULAR MEETING

JUNE 27, 1996

Meeting commenced at 7:03 p.m. All members including Associate Member Richard Dill were present. Board's consultant Philip B. Herr was also present.

HILLTOP FARMS DISCUSSION

John Sikonski, ZBA member, is here to discuss Hilltop Farms which is seeking an application before the Board of Selectmen for storage and a gas sales license. It is almost identical to the application for the Pearl Street Cumberland Farms. The Board sent a letter to the Selectmen stating that "just because something meets the site plan requirements doesn't necessarily mean it is good for the community". He asks if that holds true for Hilltop Farms and asks for the Board's consensus.

AM questions the legality of the Board making that judgment now.

J. Sikonski is looking for a similar letter that the Board sent to the Selectmen for Cumberland Farms.

RL thinks it is all done now.

P. Herr notes that the review meeting was advertised but was not a public hearing. There is no reason why the Board can't make that decision now if they wanted to.

EM questions if they are similar.

P. Herr points out that there is a world of difference between the two cases. Issues which were raised with Cumberland Farms were never raised with Hilltop.

RL thinks it is a little late to interject at this point.

P. Herr presumes the Board heard a lot of testimony relative to Hilltop.

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RL indicates that since coming to the Board, they closed off the road in the back.

P. Herr asks if closing the road alters the site plan.

PC believes they put the road in without permission.

P. Herr asks if the Selectmen are acting on the special permit.

EM advises they are applying for a license for gasoline storage permit.

RL asks if they are going for a ZBA variance.

J. Sikonski responds there is no variance required relative to the sidewalk setback.

P. Herr has never known the Board to comment on a license application. A special permit is a different case. There is some criteria relative to the Planning Board's special expertise.

AM states they are talking about approval of the site plan.

WW asks if the special permit deals with the license too.

J. Sikonski believes it is a special permit for the resale of gasoline and storage. He is asking the Board to put something together if that is the consensus of the Board to say that just because something meets site plan approval doesn't mean it is in the best interest of the community.

P. Herr indicates that the Board's letter relative to Cumberland Farms said it is not in the best interest and the Board will testify.

RL moves to send a letter to the Selectmen.

PC asks if the neighbors are opposed to Hilltop.

J. Sikonski who is also an abutter responds they are most definitely opposed.

PC suggests they could get a petition together and have the neighbors sign.

WW seconds RL's motion. Vote of 5.

Clerk to send a letter to the Selectmen stating that site plan approval may not necessary constitute approval. The Planning Board doesn't want the Board of Selectmen to misconstrue approvals. The

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development. Letter should say that a site plan may meet the Board's requirements but may not be in the best interest of the town.

J. Sikonski has a question relative to site plan review. He refers to the blueprint done by the architect and asks if they were required to show the abutting properties and wetlands.

P. Herr responds in the affirmative.

EM doesn't not think they should be discussing the plan at this point. They would have to readvertise and have the applicant present.

J. Sikonski asks if there are other reasons why someone comes to the Planning Board other than site plan review.

EM responds there are special permits, definitive subdivisions and preliminary subdivisions.

DEAN COOPERATIVE BANK REVISION TO PARKING

Don Nielson, Guerriere & Halnon, is here on behalf of Dean Cooperative Bank who would like to change their entrance/exit since it is not wide enough to accommodate the left stop mode for people taking a left who are blocked.

AM asks what happens to the parking.

D. Nielson responds it doesn't affect it now.

RL asks how wide it will be.

D. Nielson would like to go to 40'. It is now 30'. They have two exits with a 6' lane so traffic can go left and right. They want two lanes out and one in.

AM asks if that would be deducting parking.

D. Nielson responds they are working within the grass strip. The other option is to rotate and curve for an easier entrance. They will lose one parking space. Another issue is the width within the parking which is too narrow. They want to expand and move closer to the public road but they don't have the 20'.

EM thinks they have too much building on the lot. Losing one space is not a big issue but the question is does it leave enough space?

D. Nielson states they would like to amend to at least the 40' width and will still have a 4' strip island. They would also like

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to eliminate one stop to create and island.

RL asks if they have to come back for site plan review.

P. Herr notes this is the third time they are changing the access facility. It would be a good idea to put the notice in the paper so people can come in and comment. It is a judgment call but they are proposing a major change.

D. Nielson will come back.

DEER RUN CLUSTER SPECIAL PERMIT AND DEFINITIVE SUBDIVISION
CONTINUED PUBLIC HEARINGS

Erik Anderberg, Esquire, on behalf of applicant presents a withdrawal of the original Deer Run application for cluster special permit and definitive subdivision without prejudice.

EM moves to allow the withdrawal without prejudice. RL seconds. Unanimous vote of 5.

AM explains the reasoning for the withdrawal and resubmittal because of the Environmental Impact Report which wasn't submitted with the applicant and other technical legal issues.

Board members discuss adjourning to the Upper Town Hall but Cliff Matthews, Conservation Commission Chairman, advises that a meeting relative to the softball tournament will be held this evening at 8:00 p.m.

AM opens the Deer Run new submittal and Clerk reads the Notice of Public Hearing.

AM explains meeting procedure with developer's presentation first and then the discussion will be opened up to the floor. This hearing is limited because the Board has other hearings on the schedule. The Board asked C. Matthews to be here but he has other commitments so they will ask him questions first. She asks him about questions which arose relative to the open space which the Conservation Commission will end up owning.

E. Anderberg believes the Conservation issue came up with the conventional preliminary plan crossing Arnold's Brook and the flood plain. There was some discussion if all the 37 lots were buildable and that the crossing is not allowable. They haven't made a Notice of Intent with the Conservation Commission because the Bylaw doesn't require them to. They are trying to do the cluster. All of the lots comply. Arnold's Brook crossing is under the 5,000 feet allowable under the Zoning Act. They could get the crossing approved. He is not sure that is an issue they should get stuck

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on. It has to do with the number of lots. They don't have an approved preliminary plan because the Board refused to approve it. They did the mathematical calculation and they came out with a larger number of lots 42 or 43 lots under the computation excluding all the land left around Arnold's Brook. The Planning Board has a letter in the file with the calculation.

Cliff Matthews will address the crossing issue first. It is a discretionary call if it is under the 5,000 square feet. It would require an application to the Conservation Commission. They would have to contact the property owners and look into the alternate means of access. This is a conventional plan but they never got that far in reviewing it because there was no application. They spoke about the possibility of a cluster. They are hoping to eliminate the flood plain question and providing compensatory storage and provide the same amount of impact with the technological calculation but they didn't get into that and don't know for sure if the crossing would be permissible.

EM refers to other questions as to whether or not the Conservation Commission wants parcel A & B and the access. What is the intent of the land for the town? Will there be parking and driving in?

C. Matthews replies the Conservation Commission is pleased to have the opportunity to pick up the land especially Parcel B because it abuts the 100 acres which they already own and expands the open space and protection. The Conservation Commission owns a lot of land. Some of the parcels encourage public use and some don't encourage it to protect the habitat. This area will not be open for active recreation but it is contiguous to Arnold's Farm where there is hiking and a beach area. They will protect a portion of the wetlands through outright ownership. The upland area provides an additional buffer for well #3.

AM states another issue was that the road crossing can't be done.

RL asks if it can't be done, how can they use the cluster plan?

C. Matthews responds that if an application was filed with them for the conventional plan in February 1996, they would have required the applicant to go out an alternate means of access. They can't say whether or not it is permissible but they would have required it but the applicant had already gone out and found it.

P. Herr advises they are no longer relying on the preliminary plan. They are using calculations which the Bylaw allows them to do so this is moot and doesn't matter. There was a question relative to Parcel A because it appears only to have frontage at the stub end of Muron Street. The applicant is retaining the easement. People are asking for some assurance from the Conservation Commission that

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they have secure access to Parcel A.

C. Matthews replies they do need secure access to inspect the site for damage which they are supposed to do on a yearly basis but the reality is 3 years. They are not aware of the proponents proposal for Muron street. It looks like it ends at Muron Street.

E. Anderberg explains they reserved a 50' easement to the drive-in parcel. The remainder of the parcel for access is assured for Muron by continuing to reserve the easement.

P. Herr asks if it is satisfactory for the applicant that the special permit insist on legal access to Parcel A be assured for the Conservation Commission.

E. Anderberg replies affirmatively. That is fine with them.

P. Herr questions the location of the wetlands. There are questions relative to the credibility on which the applicant has submitted. He asks if the Conservation Commission is satisfied the wetland delineation is accurate.

C. Matthews hasn't physically inspected the site. The soils back up to determine the wetland boundaries. They do get involved with consultants who check the soils after the application is filed. People argue about hydrology as part of the hearing and they tour the site. He can't make a determination about the accuracy of the wetland boundary.

P. Herr asks about the organization who checked the wetlands for this applicant - Ecotech.

C. Matthews has received several findings from them but they haven't visited one site delineated by the group. People who do wetland delineations are schooled. He guesses they would be within 20' one way or the other.

AM asks if they hold licenses. What qualifies them?

C. Matthews replies they have degrees and work for companies but there is no state criteria to determine their ability to flag wetlands.

AM opens questions to the audience for Conservation issues addressed through the Chairman. Audience members with questions are to raise their hands, and state their name for the record when they are called upon.

William Yasick, Pine Grove Avenue, has two points for the Conservation Commission. Does the Conservation Commission realize

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the developer is retaining the easement to eventually put in a paved road? There was a letter from Sara Pultz, Salvetti Engineering stating issues relative to the isolated land flooding the wetlands. Are these concerns which will be taken up with the Conservation Commission?

C. Matthews responds they realize the developer has the potential to develop to full width but they still have to comply and provide compensatory storage. Relative to the second issue, they haven't received a filing. Keep in mind that isolated land subject to flooding may not be wetlands.

AM reads item 1, page 2, Walter Amory letter, dated June 21, 1996 wherein he stated "1. The Applicant should demonstrate that depressions on the site are not Isolated Lands Subject to Flooding prior to release of any lots containing depressions".

C. Matthews indicates that no one has approached them.

W. Yasick asks if the issues will be addressed to the Conservation Commission?

E. Anderberg explains they have had informal discussions in a preliminary fashion but there has been no filing. They need to decide what they are building before they file with the Conservation Commission.

C. Matthews reaffirms that no one has officially approached the Commission. As part of the filing it will be provided.

W. Yasick understood they were trying to avoid filing with the Conservation Commission.

C. Matthews notes this cannot be built without the filing.

E. Anderberg explains they did not file a formal crossing because it was clear the cluster plan was the better way. They have wetland impacts to the cluster and will make the Notice of intent filing. They hoped not to file until they had a sense of which way they were going. They will have the same access with the conventional road layout.

C. Matthews advises it is much more difficult for an applicant to prove he needs a wetland crossing if he already has two dry crossings.

EM indicates there is less impact to the environment with the clustering.

RL has a problem because they don't have a plan we can look at.

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E. Anderberg notes the Bylaw doesn't require a conventional plan at all.

RL asks if the Board has to accept the calculations. Can't we require a plan?

P. Herr explains that the special permit must be acted on based on the judgment that it meets the criteria of the Bylaw. If they have fewer lots than they are entitled to, then they do have to accept the calculations. The Board can require it but there is nothing in the Bylaw which demands it.

RL would like to be able to see the conventional plan to see if it is better because it doesn't have the same accesses as the special permit.

P. Herr states the Board can request they do that. His office drew up a conventional plan today. It took 15 minutes.

Beverly Lawton, Pine Grove Avenue, asks if the retention basin will be maintained by the Conservation Commission.

EM indicates the retention and detention basins will be reviewed to make sure there is enough water held back so it is the same after construction as before.

B. Lawton is concerned because the retention is near her home.

John Lawton is concerned about responsibility. Does the town accept the responsibility if the town accepts the road? What happens if it is on a private lot?

P. Herr explains there will be an easement to get to the basin.

C. Matthews points out that when the applicant makes a filing with them, abutters within 100 feet will be notified and it will be advertised in a newspaper of general circulation, in this case, in the Woonsocket Call. Their meetings are held at the North Bellingham Senior Center across from Stallbrook School.

W. Yasick asks about comments for the cluster plan versus the conventional?

E. Anderberg refers to guidance issues. What can they do to move forward? How can they nail down the number of lots? They can't get a commitment from anybody. They refiled the special permit and the definitive plan. He refers to Section 43 of the Zoning Bylaw which has 8 findings for approval of a cluster development. They left a complete filing at the library for public access and they will continue to put revisions there as they are done. They talked

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about the method to determine the number of lots and they believe the calculations are correct. There is no way they are near the maximum number the calculations provide. He refers to his letter of June 5, 1996 addressed to Chairman Morse and reads item #1, page 2, "1. The proposed development is in the judgment of the Planning Board superior to a conventional plan, preserving open space for conservation or recreation; utilizing natural features of the land and allowing more efficient provision of public services; and at least equal to a conventional plan in other respects". Comments from D. DiMartino and P. Herr expressed pleasure with the cluster plan and they felt it fits the requirements of the special permit. The cluster road is shorter and can be more easily serviced by the town. It has less impact on all the wetland areas, the flood plain and the 100' buffer to the wetland areas. Because of the route of the road, they are not disturbing the existing vegetation. The conventional plan has more impact. The cluster will provide water looping from Pine Grove to Pulaski. Putting in sewer on Deer Run Road and down Pine Grove in proximity to the town wells 3 and 4 is favorable to D. DiMartino. At the developer's expense a sewer line will be put in which will connect all the people on Pine Grove if they wish to with sewer stubs at each house. The cluster will have more of a visual buffer for the residents on Pine Grove and Muron. Access and the traffic issue is the same whether they use Muron or Pine Grove. The impact on the connection through is the same. The impact from the cluster and the conventional is the same but the traffic will flow differently. The drainage calculations indicate that some of the current drainage from Muron and Pine Grove will diminish because water will be held and dispersed more slowly with control whereas there is no control now. They will reconstruct the sewer and the culvert on Pine Grove will be widened and improved so there won't be backup. The cluster is far superior to the conventional plan. They have been before this Board since December 1995 and this is the fifth version of the plan. The developer purchased additional land. He closed on the house at the end of Pine Grove and paid 30 - 40% above the market value in order to acquire the property. He is committed to the project. They recognize the traffic concerns of the Planning Board and the neighbors but they don't think everyone will drive down there. The only people who will gain advantage are people going from Wrentham Road, Paine Street and Lake Street and people going to Woonsocket. The people who will gain the most are people living on Pine Grove and Muron Streets. They came to this plan because the Planning Board requires two accesses for more than 12 lots. If it meets all the requirements, they are entitled to approval of the definitive plan. For the additional submittal they are entitled to the special permit under the cluster bylaw. A letter from Sgt. Haughey suggested a cul-de-sac at the end of Deer Run. They have no problem doing that but they can't propose. The Board could instruct them to make it a condition of the special permit with a crash/locked gate which they are willing to do but they can't

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propose it because it doesn't comply. He refers to the issue of waiver in Section 4231 relative to the number of lots on a cul-de-sac street. He would like to have Sara Pultz give her presentation now.

HIXON FARM ESTATES DEFINITIVE SUBDIVISION PUBLIC HEARING

AM explains this hearing is scheduled for 8:30 p.m. and applicant's engineer phoned Clerk requesting a continuance.

Robert Stockton, applicant, requests a continuance to the next meeting.

Em moves to continue Hixon Farm Estates to July 25, 1996 at 8:00 p.m. WW seconds. Vote of 4 (AM, WW, RL and EM). PC not present for this vote.

DEER RUN CONTINUED

AM reopens the Deer Run cluster special permit public hearing.

Sara Pultz presents the same plan with the resubmittal. They only changed the date.

EM reminds the audience the plan is available at the library and on file with the Town Clerk.

S. Pultz refers to comments received from P. Herr, Amory Engineers and D. DiMartino, DPW Director. P. Herr's comments and responses include: 1. P. Herr would like to see more street lights on the plan because they only show a few. They will add more lights 350' apart. She received his comments yesterday and hasn't revised the plan as yet. 2. Lot 17 is shown different. They changed the lot but haven't changed the cover sheet yet. 3. The existing houses shown on lot 17 will be shown. 4. The question relative to the number of 37 lots has already been gone over. Walter Amory's comments: 1. Details relative to the retention basin will be done for the next meeting. He still questions the technical aspects relative to freezing over during the winter. Mr. DiMartino wants discharge from it. She would like to get the engineers involved because they are submitting different comments. She would like everyone to sit down and get together. 2. They will show a new culvert under Pine Grove Avenue, which must have been overlooked. 3. Note on the plan relative to the infiltration surface water porous surface. 4. Technical details with Mr. Pfischner will be worked out relative to the importance of the maintenance of the basin which can't be overemphasized. They have a note on the plan that it will be maintained by the landowner and will be taken with the road. 5. Isolated land subject to flooding - they will come up with a Notice of Intent with the Conservation Commission if more

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than 1/4 acre is subject to flooding. During the winter they can't tell because it is frozen so they will go back out when they file and decide if it is isolated. The dead-end at Taylor Drive should be looped according to the Zoning Bylaw which says whenever possible. She called Mr. DiMartino who said he would like a long dead-end looped but a short one doesn't have to be because he doesn't like to see it go up and down but it is up to the Planning Board. DPW Director DiMartino's comments: 1. He showed positive support of the cluster than the conventional plan. The retention basin is frozen and clogged up. She suggests a meeting between P. Herr, Amory, DiMartino and Pfischner. Mr. DiMartino provided two more comments relative to the conventional: 1. He would like to connect Pine Grove but doesn't want to make the crossing and a through street; 2. The road be looped to road A to Muron through the sewer easement. He would like the water main to follow the same and be looped around. There has been some concern about the depth of the sewer line. They took in the existing invert on Muron and worked backwards. They can't make it deeper unless they had a pumping station. Some people will have pumps but it is accessible. The contractor will work with the town to replace the water main which has leaking problems. He will also work with the town to put in a new water line.

EM reads from D. DiMartino's letter, dated June 26, 1996, page 2, item 2 which recommends 3 accesses. It sounds like he favors the cluster.

Clerk reads letter from Sgt. James Haughey, Safety Officer, dated June 11, 1996 wherein he finds the site distance at the entrance from Pulaski Blvd. is over the required 300' in both directions. There should be up to 3 stop signs installed, at the cost of the owner of the development, at the intersection of each roadway. There should be at least 10 street lights installed in this area at the cost of the owner of the development. He also recommends that the end of Deer Run Rd. not connect to Pine Grove Ave but should be a cul-de-sac with a metal gate across a gravel connection path. On this gate, a sign should be placed reading "Not a through way" "For emergency vehicles only". This gate should have a lock that could be master-keyed to the town locks. He believes that if both of these roads (Deer Run and Pine Grove), are connected, they would make a bypass road for Pulaski Blvd. and Wrentham Rd. In the early morning and late evening hours, these 2 roads are heavily congested with traffic. If the roads were connected, it is his opinion that the traffic flow would be extremely unsafe for these areas.

Clerk reads letter from Walter Amory, Amory Engineers, dated June 21, 1996, wherein he advises of the results of his latest review of the Deer Run Definitive Plan. Subsequent to his May 15 letter, on June 12, he received a set of revised plans dated May 29, 1996 together with "Drainage Analysis for Deer Run - Supplement No. 1".

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On June 19, he received a memorandum on Deer Run Estates Drainage dated June 13. In addition to reviewing these documents, he has had numerous discussions with Mr. Pfischner relating to drainage. He offers the following comments based on the review and discussion:

1. Construction details should be shown for: a. Silt trap on Lot 17. B. Silt trap at Retention Basins No. 1 and 2. C. Spillway at Basin No. 2. D. Piping connections at drain manholes for off-line oil/gas separators. Separator capacity should be defined.
2. The new 3 x 5' culvert under Pine Grove Ave. should be shown as a box culvert, not as a pipe, on Sheet 21A.
3. To insure infiltration of surface water from the retention basins into the ground, basin bottoms should have a porous surface, not loam and seed.
4. There are still some technical details relating to drainage piping which Mr. Pfischner and he should discuss in person. However, they should not impact the overall drainage system design.
5. The importance of retention basin maintenance cannot be over-emphasized. As noted in his May 16 letter: 1. The Applicant should demonstrate the depressions on the site are not Isolated Lands Subject to Flooding prior to release of any lots containing depressions. 2. The dead-end watermain in Taylor Drive should be looped to prevent water quality deterioration (R&R p. 4-12). 3. Removal of gravel should not be allowed within the 100' Wetlands Buffer Zone.

EM would like to see all past letters made a part of the record.

P. Herr indicates they can list all records and announce what is to be made a part of the record.

EM suggests that all old minutes pertaining to Deer Run be made a part of this record. EM moves to incorporate all minutes, letters, and correspondence from the previous public hearing into this Deer Run special permit cluster and definitive subdivision hearing.

Mr. Lawton reads his letter dated June 22, 1996 wherein he states that "My family and I are still very concerned about the placement of retention basins as proposed by the subdivision plan of Deer Run. My home is at the corner of Pine Grove Avenue and Deer Run Road and the proximity of the retention basins to my home is scary to my family and myself. Please find attached some recommended guidelines for retention basins followed by a list of cited sources. Before allowing the building of the retention ponds, please consider very carefully the long term proper maintenance of this basin and especially identifying the part for the long term proper maintenance of the basin. Who will be responsible? The developer? The Town of Bellingham? The owner? The association of land owners? How will the part responsible be monitored and what enforcement would be possible if the retention basin is not properly maintained? Shouldn't a list of proper maintenance with the responsibility clearly be defined and also the monitoring and

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enforcement be put into writing?"

S. Pultz would like all the engineers to get together to resolve the issues.

EM asks if it is possible to move the retention basin.

S. Pultz responds it has been moved to the back of lot 1.

Bertrand Remillard, 121 Pine Grove Avenue, emphasizes the adverse conditions mentioned in Mr. Lawton's letter. Having the retention basin next to Peters River will effect drinking water next to the Town's wells.

EM thought that septic systems were more hazardous to the drinking water.

P. Herr can't tell by glancing but on-site disposal systems are a fierce contributor. This will help reduce that.

EM states that if the road is dead-ended, the applicant will still run the sewer up Pine Grove Avenue.

B. Remillard indicates that all the septic systems on Pine Grove run downstream from the wells. The two retention ponds are upstream.

S. Pultz notes that one is right behind the houses. There are two issues 1. Moving the water main to Taylor Drive and 2. Having the cul de sac deadended.

SHORES AT SILVER LAKE WITHDRAWAL WITHOUT PREJUDICE

Clerk reads letter from Janice Hannert, Fafard Real Estate and Development Corp., dated June 24, 1996 requesting a withdrawal of their application without prejudice so that it may be resubmitted at a later date. They feel they can develop homes on this site which will be a credit to Bellingham and will continue to work with the Planning Board towards that end.

EM moves to grant the withdrawl without prejudice. WW seconds. Unanimous vote of 5.

DEER RUN CONTINUED

P. Herr points out that looping of the water is a detail of the definitive plan. For the issue of whether or not to have a cul-de-sac, the Board has received conflicting comments from those who advise the Board

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WW thinks they should talk to the Fire Dept. about access. This would be a waiver of 300% to go from 12 to 37 lots.

S. Pultz states they would be offering an emergency egress.

EM is concerned about setting a precedent. The next developer will come in with 48. Rawson Farms has one access with a double barrel.

P. Herr refers to the issue of the lot numbers. The Board has heard skepticism regarding the number of lots because of the wetland delineation. They don't know if it is a good delineation. For this site, the number of lots depends on where the numbers are. Zoning says they can't include more than 20% of the land which is wetland. It would be good if between now and the next meeting, they could have the wetlands determined.

E. Anderberg replies that the Conservation Commission is busy with site walks until mid to the end of August 1996 because of all the commercial development in town.

EM asks what makes lot 17 a funny lot.

S. Pultz indicates that one of the owners will have that lot. They could get someone to check the wetland flagging.

EM suggests they go through the Conservation Commission.

P. Herr notes that C. Matthews said there are a half dozen firms they are comfortable with.

E. Anderberg will talk with the developer and the Conservation Commission to find out how they can do that. He is confident the wetlands impact won't require significant changes to the plan. They prefer to accept the mathematical approach for the generation of the number of lots. They will have either the Conservation Commission or a consultant verify the wetland boundary.

P. Herr points out it is not just the lot count. They have to find out if all the 37 lots meet the lot area requirement.

B. Yasick asks S. Pultz if the cluster is based on a workable buildable conventional plan. Everyone knows the cluster is superior and they are being asked to accept the lesser of two evils. If the cluster is approved and it is based on the conventional, he will legally challenge the conventional plan. He wants them to submit a conventional plan which uses the same accesses.

AM replies that the Bylaw doesn't require that.

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AM replies that the Bylaw doesn't require that.

P. Herr doesn't think it is a complicated thing to do. It is hard to compare this scheme and a nonscheme. They are not required to do it but it would move things along. He refers to a gap acceptance analysis which deals with the spacing of cars. It may be helpful for the Board to see the results of the analysis. It involves finding out the peak hour volume on Pulaski Blvd. The applicant could provide that information for the next meeting.

EM states it could be looked at both ways with a through street and a one way.

E. Anderberg asks who will arrange the meeting between the engineers.

P. Herr responds that the Board should request that D. Fraine arrange the meeting between Amory, D. DiMartino, P. Herr, and F. Pfischner. They will evaluate the cul-de-sac and the through street and provide feedback for the next meeting with a response in writing.

EM moves to continue Deer Run to July 25, 1996 at 9:00 p.m.

B. Yasick asks how the Board could only allot one half hour for this discussion tonight.

EM explains that the number of items scheduled for a meeting determines the amount of time. Tonight hearings were continued, so the Board could continue this hearing.

WW seconds motion. Unanimous vote of 5 to continue.

PINECREST DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING

Albert Florentz talked with Mr. Amory and addressed his comments. The test hole in the basin was raised ½'.

Clerk reads A. Florentz's letter, dated June 26, 1996, addressed to Mr. Amory in response to his letter of June 12, 1996: 1) Catchbasin show 3' sump on detail sheet, 2) test hole in leaching system was performed on June 10, 1996 by a soil evaluator with no evidence of soil mottling or water present for 78 inches, below 78 inches many mottles were found which would indicate high water table at or below 78 inches, 3) we have moved 2" opening in outlet in structure up to 4" below 100 year elevation. There will be no outflow to adjacent property until then. As to concerns of siltation in basin we have proposed a permanent silt fence at toe of slope in detention basin, see note, added on plan that will hopefully take care of the concerns.

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the drainage. The basin is below the adjacent property. The bottom of the basin is 76.5 which is the closest to the ground at 78 which is the lowest point at the adjacent property. They agreed to a 2" separation and raised the bottom of the basin 6". They will have zero discharge during the 100 year storm. They later discussed leaching pits and chambers. There were questions about the siltation. After the first 2 - 4 years, they won't get the erosion off site - they won't get anything. The siltation fence won't rot out. Since there is zero discharge during the 100 year storm and it is raised up, they can't see putting in underground chambers.

P. Herr believes the issue is simple. They could get an easement from the adjacent land. The question is Amory satisfied with the changes so securing the easement is not necessary?

A. Florentz states that can't get the easement. When Amory was worried about siltation, he was talking about low flow. They can keep the bottom of the basin dry.

P. Herr asks if Amory has signed off on the other items.

F. Pond wasn't going to change to chambers. One issue had to do with balance grading and they added a note on the plan. They raised the bottom 6" and put in the silt fence. They raised the outlet structure from 79.5 to 80.2.

P. Herr asks if the issue relative to site distance has been resolved.

EM replies in the negative. There has been no correspondence from Sgt. Haughey however, he did come in at one of the first meetings and said that flipping the road would make it okay.

P. Herr asks if the Board is concerned with the site distance.

RL is not concerned. There is enough site distance.

P. Herr asks about a storm which is worse than what occurs once in a century - the 120 year storm.

RL believes it assumes the basin is empty which he is not sure of.

P. Herr notes that raising the 6" gives them two dry feet above the water table. What is the worse that can happen if the Planning Board approves the plan?

RL replies there would be a driveway with no retention and there would still be runoff.

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P. Herr believes Mr. Amory is reluctant to say they don't need the easement.

F. Pond reads 4140 of the Bylaw - They went from discharge off the property to none.

P. Herr will call Mr. Amory to find out if he has comments since the Board is missing a letter from him.

AM has a problem with the Board recommending this, the applicant going to the ZBA and none of the drainage concerns getting addressed.

P. Herr notes they still have to come back here for a definitive subdivision so the drainage will get addressed.

WW asks the grounds for a variance from the ZBA.

A. Florentz responds it is hardship.

P. Herr states that the Board could vote to approve the plans but prior to endorsement, they must received a letter from Mr. Amory accepting the adequacy of the drainage design. He will talk with him and convey there will be no chambers and the 100 year storm is not serious.

WW suggests that P. Herr could draft a decision.

EM states they could ask P. Herr to draft a decision in concept after he speaks with Mr. Amory. He moves to continue to July 25, 1996 at 7:00 p.m. RL seconds. Unanimous vote of 5 to continue.

MULTIFAMILY DWELLINGS

P. Herr distributes information pertaining to the Multifamily Dwellings Bylaw. Janice Hannert from Fafard called him two weeks ago so Shores is not going away. He believes in her sincerity but her employer left her hanging. He took the present zoning and listed the alternatives.

AM indicates that Dick Hill called her relative to the access road for Home Depot which he believes is not adequate for future development. He said it was a single lane.

P. Herr states that is not what is supposed to be built according to the approved plan.

RL believes they put in the access rather than the parking so they are not at full capacity.

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P. Herr suggest the Board notify the Building Inspector about the concern raised and ask him to check the access road compared to the approved site plan.

Clerk to send letter to Building Inspector asking him to check the width of the access road leading to the back parcels on the southeast corner of the property next to Home Depot bordering the off ramp.

EM points out that Mr. Hill knew he was land locked from the back. The developer is showing access for future development but Mr. Hill wants to haul gravel in and out with his dump trucks. He thinks he has access to do that through this Board.

P. Herr states that he can't do that.

RL notes that Varney has an access agreement with the developer.

EM indicates that nobody has access by right.

P. Herr believes that the town was assured that access wouldn't be precluded.

WW points out that Mr. Hill would have access if he bought Kersted's property.

Clerk to send letter to D. Fraine requesting that he set up the meeting for Deer Run with engineers, Amory, D. DiMartino, P. Herr and F. Pfischner.

Clerk to send letter to DiMartino, Sgt. Haughey and Fire Chief Ranieri. The Board has received conflicting opinions and needs more input. Maybe they could come up with a consensus. DiMartino thinks it is terrific to have through traffic and Sgt. Haughey wants it closed off. They should converse between them to come up with a conclusion.

EM would like to run it by Town Counsel to ask if the Board can legally vary the Bylaw. The neighbors are suggesting a waiver but the applicant hasn't asked for one. The Board is contemplating the pros and cons and would like his opinion.

P. Herr refers to Section 4231 which doesn't call for a variance but states "unless it is the opinion of the Board". By topography they can argue the full street connection means not a dead-end street.

MASTER PLAN

P. Herr distributes Master Plan June Visioning Workshop memo.

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There was a disappointing shortfall in the number of people who added but there were a lot of interesting ideas. He distributes memo relative to the Master Plan Steering Committee membership. Bruce Lord is leading the charge to have ordinary residents on the committee. There were a number of good people who spoke and 5 groups formed. The Steering Committee can select half a dozen people.

RL thinks the School Superintendent should act as liaison.

P. Herr asks how the Board feels about authorizing the Steering Committee to expand.

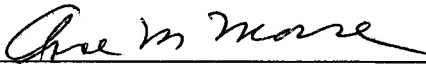
Planning Board members reply they are content to have the Steering Committee expand itself.

P. Herr refers to a proposal from business and real estate to have 40,000 square foot lots everywhere with suburban zoning everywhere. A bunch of people thought that made sense.


R. Dill will take EM's place on the Steering Committee.

P. Herr refers to the likelihood of Farm Street being rezoned to multifamily but today an attorney called him to rezone to residential to do a subdivision on the east side of 495. He suggested they send the Board a sketch and told him the Board would not be interested in rezoning.

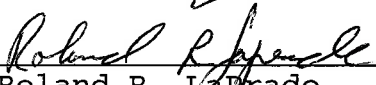
Meeting adjourned at 10:55 p.m.



Anne M. Morse, Chairman



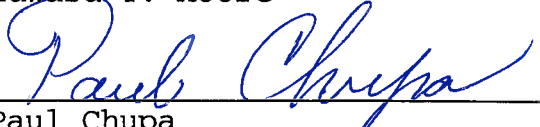
William M. Wozniak, V. Chairman



Roland R. LaPrade



Edward T. Moore



Paul Chupa