

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

JULY 25, 1996

Meeting commenced at 7:10 p.m. All members were present. Associate Member Richard Dill and Planning Board consultant Philip B. Herr were also present.

PINECREST DEFINITIVE SUBDIVISION - 2 LOTS HARPIN STREET
CONTINUED PUBLIC HEARING

Albert Florentz on behalf of applicant Roger Gagnon presents the plan and advises that D. DiMartino wanted the Harpin Street water line and hydrant put on the plan.

AM reads letter from D. DiMartino, DPW Director, dated July 22, 1996 wherein he states he would rather see the developer apply for and receive a zoning waiver without a subdivision road. If the variance is not sought and granted, he is in agreement with the concerns expressed by Amory Engineers about the retention basin especially with regard to the long term maintenance of the basin. There was discussion about the developer giving the Town a gift of a certain sum of money to be determined based on the required maintenance cost of the basin which sum of money would act as an annuity, the interest used to pay for the annual maintenance of the basin. Town Counsel has legal concerns about this. If the developer chooses to pursue this option he should present a written proposal to the Planning Board. There are serious maintenance concerns regarding this and all retention basins. If we must allow the detention basin, the maintenance agreement or gift would be acceptable to his department.

P. Herr indicates he received this letter after he had spoken with L. Ambler about the same issue. The issues D. DiMartino raised have been resolved. At the last meeting every issue was resolved except the concern for the long term drainage causing problems on the abutting property. Amory's concern is the ability of the detention basin to function in the long run which depends

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

on maintenance. It would eventually silt if trash is not removed and the water table is high. In response to that they can build into the approval the same system which is being suggested for Deer Run. The developer would be obliged to maintain the detention for the first 3 years at their own expense and they would be providing security to do that. Before release of any lots, they will provide security in the form of an annuity fund, the income from which will pay the perpetual maintenance for the basin. The agreement requires the applicant to provide a means to indemnify the town. This has been discussed and a copy was sent to A. Florentz yesterday.

EM asks how they will determine how much money to put aside so the interest maintains it.

P. Herr explains that is one of the reasons for the two stage system. During the first 3 years they will monitor it to see what it is costing. L. Ambler wants the number identified in the D-1 but they don't know how much it will be. The two step mechanism will work. L. Ambler was okay with that.

EM can't see how they can put a large enough amount of money aside so the interest will pay for the maintenance cost, especially for Deer Run.

P. Herr advises that Mr. Jones is willing to do that.

EM asks if that will be included in the road bond.

P. Herr responds it will be kept separate. If this goes with the variance, the whole thing will go away.

RL has a problem with the developer not putting in the road since they get the drainage with the road. What do they have with the driveway? They will still cut and fill the entire lot with the driveway.

P. Herr states that the town still has control since they still have to come back here after the variance.

A. Florentz will do roof drains, drywells to cut down on the drainage. They will not put in the same drainage system. They will have to come back to the Planning Board to address the drainage.

AM believes there is no hardship. She is concerned the Board is implying that there is by sending it back to the ZBA.

P. Herr indicates the issue tonight is should they approve this plan. In order to get the variance, they have to prove they can get the subdivision there.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

Mr. Remillard from the audience asks what happens if the developer dissolves his business and starts another one before the 3 years are up.

WW points out there will be a big sum of money in the bank to protect them.

P. Herr believes the concern is reasonable. The agreement provides that prior to release of the 3 years maintenance and prior to release of the lot whichever is sooner the developer will provide a sum of money. He thinks this is secure. It is a tight decision. One other provision included at L. Ambler's request is automatic rescission for failure to complete within 24 months

EM moves to close the public hearing. RL seconds. Unanimous vote of 5.

EM moves to approve the Pinecrest two lot subdivision with the condition that the decision be approved by Town Counsel and he agrees it has everything he wants in it. RL seconds. Unanimous vote of 5.

WW suggests they send a letter to the ZBA.

EM doesn't think they can say the ZBA should grant a variance but it would be better for the neighborhood and everyone involved.

RL doesn't know if he agrees with that.

EM would rather see the variance granted.

AM wants to go on record that the Planning Board is not recommending the variance.

81-P HARTFORD AVENUE

Albert Florentz submits an 81-P for the north side of Hartford Avenue at the Hopedale/Bellingham town line. Zoning is agricultural, 200' frontage and 80,000 square feet in area.

EM states this is creating a backlot with insufficient frontage.

A. Florentz already has the variance to build one house in the back. It is a 12 acre lot.

EM asks if the Board should see the variance before they do this.

P. Herr replies negatively.

RL asks if the 17' frontage is wide enough for a road.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

A. Florentz responds it is not - it will be a driveway. It is a 10 acre parcel with one house lot.

P. Herr advises that the Board cannot refuse this.

EM notes that for tonight, Parcel B is not a buildable lot. It has the frontage and lot area. He moves to approve the 81-P for Hartford Avenue. PC seconds. Unanimous vote of 5.

81-P SUBMISSION PINE STREET

Edward Gately, Pine Street submits an 81-P and explains he adjusted the lot line. It is all wet in the back. He bought the parcel in the back and ended up with an odd strip so they moved everything over. His house was built a couple of years ago.

WW indicates it is in suburban zoning.

AM sees no problem with the plan.

EM thought the plan was supposed to show the surrounding land.

P. Herr replies affirmatively but with a great big piece all they have to see is the frontage. Both lots have o'kay frontage.

EM moves to approve the 81-P for Pine Street. PC seconds. Unanimous vote of 5.

PROSPECT AUTOBODY DEVELOPMENTAL PLAN REVIEW

Clerk reads notice of review meeting.

Edward Quintal, Prospect Autobody, explains that he wants to put an addition on the back of his building to close it in for storage of cars rather than putting the cars outside after they have worked on them.

RL asks if it will leave enough parking spaces. What is required?

E. Quintal responds affirmatively.

P. Herr indicates that it requires more than what they have. He questions if the Planning Board should be reviewing this because it doesn't show the lighting, drainage or screening.

E. Quintal points out they showed everything in the original plan in 1993 when they added on to the building.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

P. Herr advises him it is required information for the submittal. Maybe the Board should have a procedure to waive it. He looked at the drawing but couldn't make heads or tails out of it. 27 parking spaces are required by the Bylaw. There is no increase in impervious surface. What happens to the stormwater? 23 parking spaces are shown on the drawing but the Board has the authority to reduce the number of spaces.

EM thought the Board decided a few years ago to use their discretion to do a simple site plan or Developmental Plan Review.

P. Herr indicates this doesn't meet that.

EM notes the applicant is enclosing some of the parking.

E. Quintal doesn't use all the parking spaces. This addition is to save time so they don't have to move the cars out and save on security.

EM reads letter from Fire Chief Ranieri, dated July 18, 1996 wherein he states the his only concern is that there be no parking along the driveway to the right side of the building and addition. He has observed vehicles blocking that access around the repair shop. The plan also shows 6 parking spaces to the rear of the addition which he assumes will be eliminated once the addition is erected. If they remain, there will be no access to the rear of the property which is not good from an emergency vehicle access standpoint. He has no problem with granting the site plan approval if his access concerns are addressed.

AM asks if this is an incomplete submittal.

PH replies that the question is whether or not the applicant can persuade the Board he doesn't need more.

E. Quintal indicates this is the same plan which was approved in 1993 but they are just putting an addition on.

P. Herr is concerned that the drawing may not be what is actually there.

E. Quintal did put crushed stone down. At the time he did it, the Fire Dept. said it was o'kay to leave the crushed stone. Right now he is not planning on paving and has no problems with runoff.

P. Herr asks what happens to the runoff from the roof. How does it get from the roof to the edge of the ground?

E. Quintal has no water problems and no puddles.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

P. Herr explains that this removes the surface water permeability. The addition is the size of a house.

EM asks where the catch basin is. All the information should have been put on the plan.

AM indicates they should have an as-built so they can see if things were actually changed from what was built.

P. Herr can't review it the way it is.

AM advises the Board needs a more complete submittal and information relative to the impact of the additional roof.

P. Herr indicates that another issue is the number of parking spaces and whether or not they are adequate. How many are there?

E. Quintal replies that he won't use the spaces the Fire Chief doesn't want. He was just using them for junk cars while he took the parts off. If he knew the Fire Chief didn't want him to, he wouldn't have used them at all. With this addition, the cars will be inside instead of outside. Now he repairs cars and paints them but on a rainy day or when it is cold, he can't put them outdoors and has to keep the cars in for a couple of hours.

P. Herr understands he will be storing repaired cars.

WW asks if there will be a wall between the two buildings.

E. Quintal responds affirmatively. He doesn't need 6 spaces. Once the building is up, the space behind it will be useless.

AM refers to a call she received from the Building Dept. relative to a question of his occupancy permit. She was told he was cited by the previous inspector by certified mail. She would like to see all the information put on the current plan.

P. Herr explains that the only substantive issue is runoff. They should have a drywell for the roof runoff. The Board could vote to approve this but hold off on endorsing the plan until the applicant shows the actual condition.

E. Quintal already ordered the other building.

P. Herr states the engineer should show the parking, where it is vegetated and where the crushed stone is but maybe the Board doesn't need that in order to make a decision. Applicant's engineer could do that in a day.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

EM moves to approve the Prospect Autobody DPR subject to the applicant's engineer providing the missing information on the plan and the Board's consultant reviewing the plan. RL seconds.

WW asks if he needs a waiver for the parking spaces?

E. Quintal responds to questions from Board members. Dumpster is inside the building. Sprinkler system is in one part but not another. It is not in the other part because there is not enough square footage.

P. Herr advises he needs a reduction waiver from the Planning Board for the number of parking spaces. He needs 29 which is 250 square feet per space with the new addition. He had 23 spaces before. Going to 17 doesn't seem to be an issue because it meets his needs. Applicant is instructed to have his engineer put a note on the plan that there will be no parking on the side blocking the entranceway.

EM includes as part of his motion that the plan be shown as built with the parking spaces outside shown as 17. No cars are parked to the left of the driveway to the right of the building. RL seconds. Unanimous vote of 5.

Applicant will forward a completed plan to P. Herr for his review and two copies to Clerk. P. Herr will notify Clerk after the plan has been reviewed. Clerk to forward letter with approved plan to Building Inspector afterwards.

HIXON FARM ESTATES DEFINITIVE SUBDIVISION PUBLIC HEARING

Ed Shea, Shea Engineering, presents the plans.

Clerk reads Fire Chief Ranieri's letter, dated June 11, 1996 wherein he states he spoke with a representative of Shea Engineering relative to the proposed street names since the plan showed road A and B. He was informed that road B would be a continuation of Hixon Street and that road A would be called Beaver Pond Road which he sees no problem with. The minimal water main size requested is 8" but the plan does not show the water main size. The hydrants should be spaced no more than 500' apart.

Clerk reads Health Agent Edward Kingman letter, dated June 5, 1996. He states all lots appear to be of sufficient size and configuration to enable individual septic systems to be built within the dimensional constraints imposed by Title V provided the necessary on-site testing and investigations are made that result in suitable data for acceptable designs. Some unofficial percolation testing has been done throughout the area yielding favorable perc rates but he cannot give his approve until 2 passing per tests per lot have been done and witnessed.

Clerk reads DPW Director Donald DiMartino's letter, dated June 13, 1996. Relative to water

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

works: Main line gate valves should be installed at the property line on both easements where the water pipe goes into the water easement. All hydrant branches must be 6" and have valves which must be set off of valve anchoring tees. The hydrant branch at approximately Station 4+50 on B street must be a 90 degree angle off of the main pipe not the angle shown. The plans should indicate the size of existing pipe in Hixon Street, which should be 8" and the size of the proposed water main which must be 8". The connection at A street should be by tapping sleeve and valve but none is shown. All bends in the PVC C-900 water pipe must be made with fittings.

Although PVC C-900 can be bent to make slow curves, this practice can cause the pipe to split and rupture when taps are made. The fittings (either 11 1/4 degree, 22 1/2 degree or 45 degree) must be shown on the plan. The developer will be required to pay the connection fees related to this work before tapping or connecting to the main on Hixon Street. No sewer is available to this property. Relative to road work and drainage system: A street opening permit must be issued for his office for the work on Hixon Street. All work in the existing street must be done in accordance with the Bellingham Street Opening Specifications. He recommends the Board consult with a professional engineering firm for review of the drainage and runoff calculations for drainage system sizes. The detention basins should be designed with maintenance in mind. Most important in this consideration is the need for maintainable slopes on all dike type embankments. The slopes on any dike embankment should be five to one to allow mowing and maintenance. An access road should be provided from the paved roadway to the spillways for maintenance and cleaning. These ponds do not show any emergency spillways. He is concerned regarding the integrity of the dikes in the event the spillway gets clogged, and flow starts to go over an earthen dike. He suggests it be required that all ponds and sufficient temporary collection means be installed before the top soil is stripped from the entire site. The steep slope on the land and the proximity to the Beaver Pond could cause some major silting if a heavy rain were to occur after the site is cleared and before the pavement is installed. Any portion of the proposed drainage system that is used for temporary erosion and sediment control, must be thoroughly cleaned before the street is accepted. General Comments: A note should be added to the plans that all water works, sewer works, and drainage pipes and structures must meet the Bellingham Dept. of Public Works Specifications and Standards. Recent information meetings he attended indicated a preference for square or box notches rather than V notches for all spillways. Usually a step type box notch is utilized.

E. Shea indicates that the 5-1 slope is severe. This plan shows a 3-1 slope which he wants to meet with D. DiMartino to discuss. They incorporated all the changes requested. They have not received any comments relative to the drainage.

P. Herr advises that it makes sense to send it along to D. Fraine requesting an independent engineering review.

EM asks if the applicant is agreeable to pay for the review.

E. Shea replies affirmatively; they were expecting the review. The cluster was approved by the

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

Planning Board. The layout for the lot sizes is close but they question the edge of Beaver Pond. They had 7.7 acres of open space and 4.1 acres of wetland. The actual edge of Beaver Pond is the high water mark at the edge of the property line. They now have 5.0 acres with the same 4 acres of dry land. Everything else is the same.

EM asks if there is a change in the number of lots since open space changed?

E. Shea is still well within the limitations.

RL asks about the engineering workout.

E. Shea responds that it is here. They were expecting comments relative to the drainage calculations tonight. They will revise the plan and send it out. They don't have the profiles of the existing Hixon Street tonight.

EM asks where they will widen and improve the street?

E. Shea responds it is between the two roads. It will be widened to 20' and they prepared the engineering to show what is there.

AM states they were to show what could be done without the land taking.

RL asks at what point they requested widening of the road.

E. Shea points out the location and states they provided a roadway easement.

R. Stockton, applicant, indicates that the 6 lots are not part of the subdivision.

RL moves to continue to August 22, 1996 at 8:30 p.m. EM seconds. Unanimous vote of 5.

Plans with drainage information to be forwarded to Clerk for independent engineer.

SPRING MEADOW ESTATES DEFINITIVE SUBDIVISION PUBLIC HEARING

Mr. Rondeau, applicant, presents the perimeter plan which was requested by Mr. Herr. He also presents the wetlands report and the drainage calculations. This is a subdivision for 6 lots westerly of Locust Street near the Bellingham/Franklin town line bounded by Pine Meadow Brook, Locust Street/condos to the north and Gareau land to the south. They intend to build single family colonial 3 - 4 bedroom houses and leave 5 ½ acres undeveloped. They will have 6 lots on 7 ½ acres for 12 ½ acres total.

Marie Misner, from the audience asks where the entrance will be?

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

Mr. Rondeau responds it is just prior to the new home on Locust Street.

AM explains hearing procedure with applicant presentation first, Board member questions and audience questions. Audience is instructed to raise hands and state name and address for the record when they are called on.

Mr. Rondeau explains the drainage will be collected in a catch basin and brought to the detention basin. The drainage calculations were prepared. They will have town water and individual septic systems. He thinks that P. Herr's and D. DiMartino's questions have been answered.

Clerk reads letter from Fire Chief Ranieri, dated July 22, 1996 wherein he comments that a hydrant needs to be added at about station 3+50. The distance between the existing hydrant on Locust St. and the proposed hydrant at the end of the street is over the 500' maximum allowed between hydrants. He supports Mr. DiMartino's comments regarding moving the last hydrant further back. The plans do not show a proposed street name but he spoke with the surveyor who told him the proposed street name will be Sidney Lane. There does not appear to be a similarity or conflict with any current street names.

Clerk reads letter from DPW Director Donald DiMartino, dated July 9, 1996. General and Roadway comments: On sheet 2 of 5 the items which appear on the typical detail for street classes that do not apply to this project, should be erased (i.e. collector & minor wording and measurements). On sheet 5 of 5 the paved width shown is 22 feet. This not consistent with any of the required widths noted in our typical roadway cross section. Water comments: Add a hydrant at about station 3+50. The distance between the existing hydrant on Locust Street and the proposed hydrant at the end of the street is over the 500 foot minimum required. Add a valve approximately twenty feet back from the end hydrant to allow for hydrant maintenance. Show the proposed water services lines with either a detail or a note regarding the use of only materials acceptable to the Bellingham DPW. (The service connections to lots #3 and #4 must be before the gate valve noted in the previous item). Extend the water main to move the proposed hydrant at the end of the street approximately fifty feet, so that the service connection to lot #4 can be closer to the center of the lot. The existing pipe in Locust Street is not the 8" noted. Show a 6" x 6" tapping sleeve and valve, with an 8" x 6" reducer as the form of connection to the existing 8" water main in Locust Street. Show a detail of the hydrant branch with 8" x 6" valve anchoring tee and 6" gate valve. All water mains should be looped if possible. Ideally this loop should run via an easement back out to Pulaski Blvd. and connection to the pipe in Pulaski with a tapping sleeve and valve. There is no public sewer service near this proposed subdivision. Drainage comments: He suggests the Board contact a consultant to review drainage sizing submittals. The proposed detention pond has steep 3 to 1 slopes on a diked area. This slope should be changed to 5 to 1 to allow for mowing. (Diked slopes must be maintained with a minimum of two mowings per year to keep any trees from growing. Tree routes which grow into dikes can cause problems by creating conduits for seepage. Also if a tree which is growing in a dike is up routed, the dike can be seriously damaged.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

Mr. Rondeau indicates the majority of the comments have been incorporated into the plan but they have a 3 to 1 slope instead of the 5 to 1.

P. Herr advises that there are a number of difficulties with the drawings with inconsistencies between the locust plan and the definitive plan.

Mr. Rondeau points out that lot 8 which goes to Pulaski Blvd. has 200' frontage.

P. Herr states it is in a Water Resource District with lots which will have on site sewerage disposal. Subdivision Regulations require an Environmental Report be filed with this plan. He asks how this is different than Deer Run where the absence of that material caused the applicant to readvertise and refile. The drawings have a lot of items missing. It is very inadequate to make a determination of compliance. The Board could correct the informational deficiencies as they move along.

AM advises there is a legal challenge to the developer if they don't refile.

Mr. Rondeau has P. Herr's list of comments of which one is the requirement for the Environmental Report.

EM indicates it should have been submitted with the proposal.

P. Herr notes that the subdivision is simple. There are no mechanical problems with the design but there are a lot of form issues. They are missing the street plan and the profiles.

Mr. Rondeau asks if they can continue and provide the information.

EM responds affirmatively but someone can challenge them since the information was not available when the proposal was submitted.

AM advises it is a chance they are taking because they will be giving someone a reason to appeal it.

Greg Rondeau, applicant, requests continuance.

Linda Austin, abutter, asks where the road is coming out.

Mr. Rondeau responds it is down Pulaski - the roadway will be next to the new house and the condo.

L. Austin who lives on Pulaski asks if the trees will be coming down.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

Mr. Rondeau responds that no trees on the site will be coming down.

AM asks if the applicant is willing to pay for an independent engineer?

Diane Grennan, abutter asks what an independent engineer is?

AM explains that it is an unbiased person hired by the town to review the plans on the town's behalf. They usually use the same engineering firm. They work for the town but the applicant pays for the review.

P. Herr advises that Walter Amory usually does the review. He does no work for this town other than the independent reviews.

Discussion follows with Mr. and Mrs. Grennen's comments relative to Bald Hill Estates and their subdivision, Shellendy Estates and existing water problems. People living on Locust street still have problems with water runoff.

EM advises that the right side of Locust Street is lower than the left side but nothing this developer does will make any difference.

? Asks if the town has plans for roadwork on Locust Street in the future. It is a very narrow street and there are a lot of young children.

PC suggests checking with the DPW. There may be Chapter 90 funds.

? Further notes that 2 cars have a difficult time coming up the road.

Pat Durkin asks if there will be sewer any time soon.

PC responds there is no grant money available unless the state and federal government come up with grant money.

Walter Knapp, Locust Street, asks the location of the detention ditch.

Mr. Rondeau responds it is at the far end of the cul de sac near the wetland and the brook area, abutting Gareau's land.

EM moves to continue to Thursday, August 22, 1996 at 9:00 p.m. to obtain the independent engineering analysis and submission of the Environmental Impact Report. PC seconds. Unanimous vote of 5.

DEER RUN CLUSTER SPECIAL PERMIT AND DEFINITIVE SUBDIVISION

Sgt. Haughey went to visit the site after the last meeting. He found one problem with the brush on Pulaski Blvd. but the applicant removed it so the site distance on Pulaski is 300 - 400' in both directions. He received a copy of D. DiMartino's letter stating that he thought it would be best to have a throughway. He wrote a letter to the Board stating that it would be better served with a cul de sac. He received communication from D. DiMartino explaining that the road would be more safe if it was connected but he disagrees with him. Connecting the two areas would definitely increase traffic to the area. For the convenience of snowplowing it would be better to have it open but he thinks there should be cul de sacs in both areas.

AM reads letter from Fire Chief Ranieri, dated July 18, 1996, who states that after reviewing the plans and comments of both Sgt. Haughey and D. DiMartino, he tends to agree with Mr. DiMartino. He feels connecting the roadways would offer better accessibility for emergency vehicles and DPW needs. He does not feel that putting a gravel connection path with a gate for "emergency vehicles only" is a viable solution. How does this get plowed and maintained? Who has access to keys for the gate? He does not feel it is feasible to be looking for keys, combinations or other devices for unlocking such a gate during times of emergency calls. He is concerned about large piles of snow blocking the cul de sacs and berms during the winter months making accessibility infeasible. He suggests the roads be connected and given a preliminary trial for 6 months to one year. If it really become a traffic cut through from Pulaski Blvd. to Wrentham Roads, a meeting could be held to review the problem with all interested parties. This would give the residents a chance to come back to the Planning Board if problems arise.

Sgt. Haughey explains that all town gates and all locks are keyed in with one key. This one key is on every ring in police vehicles. The part about the snow is correct but he still strongly disagrees with connecting the road. If people know the road is open, they could get 500 vehicles an hour. Chances are they will make the two neighborhoods unsafe. There is a time and delay with a cul de sac and the time it takes the Fire Station to respond.

AM uses her subdivision on Fox Run Road as an example since it also connects two major roads. She asks if there are a lot of accidents there?

Sgt. Haughey responds there is more traffic because people are looking to bypass. There will be more traffic on Elbow, Irving and Muron. Why make the neighborhoods unsafe? People will take the road because it will cut minutes off their trip instead of waiting at the light.

P. Herr addresses issues brought up by applicant's traffic engineer. Some people will go out Pine Grove or Muron and some will go out Pulaski so they will be adding some trips and deducting some. The traffic engineer determined there are 210 trips/day at the intersection with 290 when it is fully developed but his estimate may be low. There may be 300-400-500 trips a day. The real issues are that the benefits of connecting the roads go beyond snowplowing and the

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

convenience of people. Since making it a dead-end would violate Planning Board Regulations, it may make sense to try it and allow for the physical configuration to be gated if they are getting 400-500 trips per day. It can be stipulated in the approval. The applicant has a new drawing which allows for the configuration to allow a hammerhead. The notion Sgt. Haughey came up with could physically work and could be done after one month if the numbers are high. The Board could approve with the connection and if it exceeds a certain number, possibly 500, after a period of time, maybe 6 months, it can be closed off.

AM explains the Planning Board Regulation and requirement that there be two egresses with over 12 houses. This would set a precedent with other developers if they allowed this to be closed off since no one knows at this point it will be a problem.

Sgt. Haughey is concerned about children in this new development and on Pine Grove between the hours of 4:00 p.m. and 6:00 p.m. because the children are not accustomed to having vehicles going through.

EM believes that people will get used to it being open just like they get used to it being closed.

Sgt. Haughey based his opinion on his 21 years of experience.

PC asks what happens if there is an accident or fire and the emergency personnel can't get in or out with one entrance.

Sgt. Haughey points out that a lot of streets are one way in and out.

EM indicates they were constructed before zoning.

EM reads opinion provided by Lee Ambler, Town Counsel, dated July 5, 1996, wherein he states that any variance or waiver of the Dead End Street Provision does not carry with it a municipal advantage and in addition to that he has been extremely opposed to the Retention Pond concept. There must be an awareness that municipalities are obliged to treat all applicants equally and that Developers argue that if you have granted a waiver in one instance with a certain given set of facts to a developer, then you should be obliged to grant the same waiver to a subsequent Developer if he has the same set of facts. If done differently, the Board would be treating developers unfairly and indiscriminately. This could result in the eventual elimination of the Provision which is extremely protective of the town's interest.

P. Herr refers to Hilltop which had enough land for more than 12 lots but the Board stood by its rule and said it would not waive. If the two roads are connected and there are 500-600 vehicles during the peak hour, there would be a powerful reason to deadend the street. They don't have all the facts now and it would be easier to close it afterwards.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

Bill Yasick, Pine Grove Avenue, notes the preliminary site distance on Pulaski Blvd. was blocked by brush. The brush was in the wetlands and was removed.

Sgt. Haughey states there were trees and an overhang. He asked the developer to remove the overhang and cut the branches off the tree and remove them to get the site distance.

Mr. Gingras, 61 Pine Grove Avenue, refers to El Gee Products and their tractor trailer trucks in the road. His wife can't make it home because the trucks are in the front of his driveway. Traffic gets backed up. The deliveries are supposed to be between 8:00 a.m. - 4:30 p.m. but they come whenever they want. With the 40' trailers hung up, cars can't go by. This will increase traffic because people will bypass the lights.

Margaret Bianchi, 30 Wrentham Road, sat in her breezeway and counted cars that went by. There was one car per minute. She sees all the cars and trucks on Muron and Pine Grove. Some of the trucks back into Muron and Pine Grove. Children are not watching the trucks when they are backing up. It is a very congested area. El Gee is there because of the grandfather law. Trucks come in a certain way and go out a certain way.

EM explains that the Police Chief makes recommendations to the Board of Selectmen relative to truck traffic. They could go to the Board of Selectmen and ask for no thru trucks signs.

Sgt. Haughey indicates that if the road is connected there may be no thru trucking but the business in the middle has the right to get supplies and fuel.

Mr. Gingras states that El Gee owns the trucks that are going in and out. He also has a retail business which he shouldn't have. The residents can't afford any more traffic than what is there now.

Erik Anderberg, Esquire, applicant's attorney, explains that a meeting was held with the developer's group and the town attended by D. DiMartino, Amory Engineer, P. Herr and developer's engineer. Design ideas were put forward to incorporate into the plan. The easement was shown to allow a cul de sac or turnaround which is big enough to accommodate both. The easement will allow Deer Run Road to end with a turnaround with enough area for full size pavement to meet the Rules and Regulations but not enough for grass strip and sidewalk. They don't have a problem with doing the connection but they are not asking for the waiver since the Rules and Regulations require it be connected. They don't have a problem with closing it if that is what the Board wants. They have no problem with allowing the easement for 6 months or 6 years. They are applying in compliance with the Rules and Regulations. The retention ponds were discussed at the July 3, 1996 meeting relative to performance standards. They will have a mix of soil and plants in the basin which will be permeable. They will maintain it for 3 years using best maintenance practices. If it works, they will turn it over to the town with a check to generate enough interest each year to cover the cost of the maintenance which will perpetually

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

take on the maintenance cost. They also prepared a conventional plan showing the same connections with the same lot count at 37. The wet/dry calculations have been done and do work. They filed a request for determination of applicability to redetermine the wetland lines.

AM reads letter from Clifford Matthews, Chairman, Conservation Commission, dated July 25, 1996 wherein he states they are in receipt of a Request for Determination of Applicability filing for wetland delineation verification for the Deer Run project. At their July 10 meeting, the Commission was approached by the applicant with a proposal to hire a consultant to verify and expedite this filing. An account was set up by the Town Treasurer to cover the expenses of consultant, Fugro East, Inc., of Northborough, MA. Fugro East has submitted to this Board a review of diggings for the site. Four wetland flags were to be moved as a result of the site visit; M5, M6, BW19 and BW26.5. In addition, hydraulic calculations will be necessary to determine the status of seven isolated vegetated depressions on site. Fugro East's general opinion of the delineation is that the wetland boundary as interpreted by Ecotek, the applicant's agent, was "a reasonable interpretation of the state delineation criteria." The Request for determination of Applicability public meeting for this filing will take place on August 14 at which time the Commission will be in receipt of revised plans reflecting the above mentioned changes.

E. Anderberg explains they moved 4 flags out of 120 flags so the delineation was good. They will do some survey work and put in more flags. There are no isolated wetlands. The process is going on. They have to run it by the Conservation Commission who will agree or disagree. They are going to the Conservation Commission on August 14 and they will make their determination then. He put together Proposed Findings Under the Bellingham Zoning Bylaw For Cluster Development and submits for the Planning Board's review. He is assuming this meets the requirements of the Bylaw.

P. Herr indicates that the key to retaining the retention ponds is a two stage system of maintenance assurance which is the same system of control implemented with Pinecrest.

E. Anderberg agreed to adopt whatever the Board and the consultants wanted. The cluster is in compliance with the Bylaw. They request the Board close the hearing and make findings.

EM refers to the Pine Grove road improvements.

S. Pultz identifies the improvements as sewer line/replace water main for which they will help but not do the whole thing and 2 foot widening on either side of the road.

EM asks if they are willing to do the sidewalks.

S. Pultz can check.

WW would like detail as to what they will do with the water main.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

S. Pultz explains they will open the hole and will lay the pipe but will get help paying for the pipe. They will put the whole sewer line in and do the whole overlay and will be widening 2 feet.

AM reads letter from Camille Vaillant, 80 Muron Avenue, dated June 17, 1996 who states her primary concern is with the flooding problems that exist in the area at the present time. After attending two public meetings, she is very uncomfortable with the way the developer is not being pressured to conform to the codes and Bylaws and appears to be agreeable only when issues are raised by the residents themselves. The Planning Board should make sure they do their homework very meticulously on this development. The potential problems this project could cause may not go away immediately after a plan is given approval. She insist on an answer to this question: If the proposed plans to control run-off from the new development should fail in the end, will everyone involved be free to simply wash their hands of the problem or will someone be held responsible to make whatever corrections are necessary? The residents of Muron Ave. and Pine Grove should not be subjected to so many potential catch 22 situations and unanswered questions.

S. Pultz believes that part of the road will be bonded.

EM doesn't know where they are not following the codes and Bylaws.

Joseph Carroll, Esquire, representing Michael Watier of Muron Avenue, reads his letter, dated July 25, 1996, wherein he states that his client specifically objects to the reservation of an easement by the applicant along the approximately 50 x 375 strip of land at the end of Muron Avenue. His client's objections are as follows: 1. That the proposed reservation of rights is contrary to Mass. General Laws 40A Section 9; 2. That the proposed reservation violates the provisions of Section 4350, 4360 and 4370 of the Zoning Bylaw; 3. Any proposal to eliminate this area and create a separate lot would be contrary to the Zoning Bylaw and the Rules and Regulations concerning the subdivision of land in that a nonconforming lot would be created thereby. With respect to the first objections, the statutory requirement of Chapter 40A is that all land considered as open land shall either be conveyed to the Town or to a nonprofit organization dedicated to the purpose of conservation. In the even of a conveyance to an entity other than the Town, the statute calls for a restriction against development or use as "parking or roadway". The clear intent of the statute is that all open space land is to be kept in an open and natural state and not be further developed. With respect to the second objection the general law which is an enabling statute provides minimum open space computation. The Zoning Bylaw, specifically Sections 4350 and 4360 require that land not utilized for building lots or road rights of way shall be designated "Common Open Land" and either conveyed to the Town or in any event, restricted so that it cannot be used as a roadway. It is clear from the presentation to date that the developer intends to use its reserved easement as a roadway in the future and that use is clearly not permitted by the statute. With respect to the third objection, any proposed withdrawal of land would at this point create a lot not in conformity with the frontage and area requirements of the zone. After reading his letter he states that with withdrawal of the strip the conventional plan

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

wouldn't fly if they had to take out lot #1. He points out the 50' easement reserved to the developer. There is no easement shown on the conventional plan. The easement is used in the cluster for the 50' access easement. They have the development and open land but are going beyond their power. They could withdraw the land from consideration but they would have to withdraw lot #1.

RL believes the letter must be conveyed to the town's legal counsel for consideration.

E. Anderberg points out their lot count is based on a mathematical formula not the conventional plan. The calculations support 42 lots. They are relying on the lot count and the mathematical calculations allowed by Section 4320. It is just a strip.

J. Carroll believes they will be 1250 feet short of the area requirement if they are taking one lot. It may be big enough to support a special permit but it is not a conforming lot so they will need a new subdivision plan.

E. Anderberg is not saying it is a lot. If it is in conflict with 40A, Section 9, they will hold ownership. They are relying on the mathematical calculations for the number of lots. They only submitted the conventional plan because people wanted to see it.

WW asks when the 3 year maintenance will begin.

E. Anderberg responds it will go from the time the infrastructure is built, up and working.

Charles Johnson, 120 Pine Grove Avenue, asks about the easement to Muron Street. Will the Conservation Commission have access to the donated land? If they take the easement, the Conservation Commission won't have access to the property.

E. Anderberg points out that if they withdraw the easement, they will give the Conservation Commission the right of way to get in.

S. Pultz explains that right now there is a 50' access easement owned by the Conservation Commission. If they take it out it would be backwards, but they would still have access.

EM believes the Conservation Commission would be landlocked other than through the easement.

Michael Watier, Muron Avenue asks about the frontage laws - how far or close to the street a house can be? If the easement and road are cut through, the street will be 5.5 feet from his front door. His front yard is the easement.

EM indicates his house was constructed prior to zoning and is grandfathered.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

M. Watier asks if the developer has the right to put a street in 5 feet from his house. The easement is in his living room and the house is right on the point of the property.

AM states it is a pre-existing nonconformity.

? Refers to the proposed widening of Pine Grove one foot on each side and. 3/4 of Pine Grove has a sidewalk. How will they widen if the sidewalk is in disrepair? People will be losing land.

S. Pultz responds they are not taking anyone's land. It is town land. Either way they will widen to 22' even if they have to take 2' on one side.

EM asks what happens to the sidewalk if they can pave 2' without impacting the sidewalk?

S. Pultz replies that nothing happens.

RL believes that if they overlay 4 - 5", the sidewalk will be lower than the pavement so they may as well do the sidewalk too.

E. Anderberg can try to get in touch with the applicant to see if he is willing to do that.

EM believes that closing the hearing would be out of the question because there are legal questions remaining. The Board needs to hear from Town Counsel and the Conservation Commission to find out if they are still interested in taking the property without the easement.

WW asks if the applicant intends to put in the road right away if he takes it as ownership.

E. Anderberg replies he is just leaving his options open.

WW is concerned with the legal issue of crossing private property to get to the Conservation Commission property.

E. Anderberg indicates that the developer may be willing to give up the easement.

AM calls for a 5 minute recess to give Attorney Anderberg time to phone his client.

E. Anderberg spoke with Tim Jones, applicant who is willing to do the repair work on the sidewalk and extend it to the end to meet Deer Run Road. They can take the 50' easement off the plan and will not reserve it if the Board closes the hearing tonight. They will convey the parcel in fee with no reserved rights. Relative to the water main, they agree to coordinate the installation or whatever is necessary. They will open the road and coordinate to put the pipe in but are not agreeing to do the laying of the pipe but will close up and put in the overlay.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

EM thinks they should talk with D. DiMartino who thought they were doing the laying of the pipe.

E. Anderberg states the entire parcel will be conveyed in fee to open space.

William Yasick, Pine Grove Ave., asks if the offer is good now and will be taken back.

E. Anderberg responds there is a large benefit to moving forward but things could change if they do not.

W. Yasick asks if the lot numbers have been reviewed.

E. Anderberg reviewed all lots on the plan. They have gone to the Conservation Commission for a wetlands determination and feel they all comply and there is enough dry land.

W. Yasick asks about lot #2 which is 90% in the flood plain.

S. Pultz explains it is not wetland. They can build and compensate elsewhere.

E. Anderberg points out they took a survey of the wetland delineation boundary to wetlands. They are separate issues relative to the flood plain. They can build in a flood plain.

P. Herr believes there is confusion between the wetlands and flood plain. He reads definition of lot area - 90% of the lot area is the intent of the law.

W. Yasick is challenging the conventional plan as not workable. He refers to the developer's traffic study.

E. Anderberg explains they came up with the number of lots using the alternative method of mathematical calculations and they still had 38/39 lots. The flood plain is not relevant.

W. Yasick states they all heard the Safety Officer's expert opinion relative to the safety hazard. Saying that no subdivision was turned down because of a traffic hazard is ridiculous (AM and EM disagree). He reads Section 328, pg. 3-11 from the Subdivision Rules and Regulations which states at item "(B) Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation."

EM explains that they can stop it from going through Pine Grove as a through street but they can't make it go away.

WW indicates that Town Counsel said the connection could not be done away with. At the start

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

of the public hearing, people in the neighborhood asked for no waivers.

W. Yasick asks how much gravel removal will be needed to construct Deer Run Road?

E. Anderberg replies the cuts and fills are shown on the plan. It doesn't require a special permit.

W. Yasick asks about assurances it won't affect the groundwater?

EM states that Amory Engineers reviewed the proposal.

E. Anderberg states it was addressed in the Environmental Report.

W. Yasick indicates that Track B can't be donated because it doesn't have the frontage.

S. Pultz responds they have access on the existing 50' right of way where the well is. It adds a piece the town owns from Pine Grove to Lake Street at the Jenks Reservoir.

W. Yasick believes that Parcel B can't be donated because it has access on a right of way but not on a roadway.

P. Herr agrees that the Bylaw requires frontage but he doesn't know that they don't have the frontage. He thinks if there is a problem Parcel A has enough land with 12 acres.

S. Pultz states that Parcel A has frontage on a public street.

W. Yasick believes they have to use it, keep or donate it.

P. Herr indicates there is frontage because the piece gets merged with the abutting piece. The town owned Conservation Commission land has frontage.

Kevin Bradley, Pine Grove Avenue, is concerned and asks if the number stipulated when the gate is closed at the end of Pine Grove will be established now. He doesn't want to have to go to the Board of Selectmen.

P. Herr thinks the number should be embedded in the decision. They will determine the method of determination and the number should be specified with a date.

S. Pultz explains that the easement is being given to the town forever so they will still have the easement to close it off.

? Came in late and asks about the status of the road.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

AM explains that now there is a tendency to put in a thruway. Lots 37 and 1 will be the easement area if the Board decides they want a cul de sac; the area will be available to the town even if they decide they want to cut off the thru street. The easement will be enough to build a turnaround. If it gets closed the entrance and exit will be off Pulaski Blvd.

EM can't waive the safety based on speculation.

AM explains it will be designed so if there is a problem it can be closed off.

P. Herr explains the basis of the applicant's engineer who believes that half the people on Pine Grove will go out Pulaski and half of the people who live in this development will go through which will add up to all trips of 290 total.

W. Yasick asks if this is approved and appealed, can the developer do the site work?

Board members respond that he cannot.

Mr. Bradley asks if all the road work is documented.

AM responds that yes, it is on the plan.

B. Remillard implores the Planning Board not to approve and allow the developer to connect Pine Grove and Deer Run Road. There should be a cul de sac. There is no need for an emergency barrier. Lee Ambler's comment that once the Board grants a waiver is not true that they would have to approve others which are similar. He refers to the sidewalk and pavement offset.

RL moves to close the public hearing.

PC is concerned about hearing one thing from legal counsel but is sympathetic to the people who live there.

EM states the Board has heard from the Fire Chief, Town Counsel, DPW Director and traffic engineer who all say it should go through.

PC has doubts that it will work but is thinking of it from a legal standpoint. He has been sued for \$2 million in the past because of the Water Dept. It would be a big cost to the town.

RL withdraws his motion.

B. Remillard states the same problem existed at Saddleback Hill Road and that was not allowed to cut through.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

EM doesn't know if they ever cleared up who owned the land.

Julian Gingras asks that the Board consider Sgt. Haughey's statement regarding the safety of the neighborhood.

EM states that the Board will consider it.

W. Yasick notes that if he were a Board member he would rather spend a month in court than have the life of a child on his head.

? From the audience asks whose jurisdiction it comes under to close the road at some point?

P. Herr replies that it will remain and stay with the Planning Board. The decision will clarify about the counting which will be done by the town. He guesses that the Police Dept. has a counter. The decision mechanical questions will be sorted out.

B. Remillard is concerned about the construction equipment which will use Pine Grove.

EM states that it could be written into the special permit decision to prohibit that.

Beverly Lawton, Pine Grove Avenue, asks about tree removal. The side of lot 1 is the back of her land.

E. Anderberg refers to the cost of taking trees down. They won't take anything down which they don't have to and will save as many as they can.

RL moves to close the Deer Run Cluster Special Permit and Definitive Subdivision public hearing. EM seconds. Unanimous vote of 5.

EM asks P. Herr, Planning Board Consultant to draft a decision and run it by Town Counsel. A vote is in order but nothing will be signed until it is put in place.

Discussion follows relative to the timeframe for the June 6 submittal date. August 22 will be 78 days so there is still time before the 90 day time limit.

RL moves to approve the cluster subdivision concept and direct P. Herr to write up the decision with amendments including the traffic study, bond in place for the retention basin maintenance agreement, traffic count done by the town, withdraw easement on Muron, Parcel A, agree to sidewalk and agree water main, open, close and coordinate.

EM will not agree without hearing from D. DiMartino.

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

E. Anderberg requests they make the decision by August 22 meeting.

P. Herr states that some of the items listed belong in the definitive plan.

EM seconds RL's motion. Unanimous vote of 5 to direct P. Herr to draft special permit.

EM moves to direct P. Herr to draft decision for the cluster definitive subdivision. RL seconds. Unanimous vote of 5.

Discussion follows relative to the appeal process. Board members explain to W. Yasick that the appeal process begins after the decision is signed and filed with the Town Clerk. There is a 20 day appeal period.

E. Anderberg asks that he be sent a copy of the draft decisions.

P. Herr will send them if he has time.

MINUTES ACCEPTANCE

RL moves to accept the May 23, 1996 and June 13, 1996 minutes. PC seconds. Unanimous vote of 5.

WW moves to accept the June 28, 1996 minutes with revision on page 1 "necessary" to "necessarily", page 15 A. Florentz letter to "June 26" instead of "July 26". EM wants correction at page 2 his comment "applying for a license for Class II storage" should say "gasoline storage permit".

Clerk advises that the Board received correspondence from Franklin ZBA relative to proposed subdivision by Leo Mayewski which will access onto Stonehedge Road in Bellingham. Clerk phoned Franklin ZBA because their hearing commenced prior to this meeting but was told it would be continued. Board members have no comments to forward and do not think it will have to come before this Board.

Clerk advises Board that certified correspondence was received from Edward Padden, Esquire on behalf of Richard Hill since he intends to sell his agricultural land.

Discussion follows relative to Master Plan Steering Committee. RL and R. Dill will represent the Planning Board on the committee.

G. Fleurette presents Notice of Appointment Forms which must be signed by the Board to appoint other members to the Committee. Forms must be completed and forwarded to Town Clerk so she can swear in members. They will ask her to come to their Tuesday night meeting to do the

MINUTES OF PLANNING BOARD MEETING

JULY 25, 1996

swearing in. Members vote to appoint the following people to the Master Plan Steering Committee: Planning Board - Roland LaPrade and Richard Dill; Board of Selectmen - Jerry Mayhew and Guy Fleurette; School Committee - Betsy Cournoyer, Steve Patrick; Affordable Fair Housing - Tom Berkholder; Conservation Commission - Angela Austin; Industrial Development Commission - Russ Phillips; Parks Commission - William Roberts, Sr.; Historical Commission - Muriel Locklin. Total membership will be 14. There are still some members to be appointed from the ZBA, Housing Authority and Board of Health. Clerk will complete the signed forms and get them to the Town Clerk prior to the next Master Plan Steering Committee meeting on Tuesday evening.

G. Fleurette advises they need to determine who the pro tem officer is to organize the meeting and post the meeting. RL will do it.

EM moves to appoint RL pro tem chairman. PC seconds. Vote of 5.

Clerk to check with Town Clerk relative to completion of the form and timeframe for Term of Office. Should it say "Completion of task"?


Correspondence received from Chairman James Caddick, Chairperson of FinCom, dated July 16, 1996 stating that Toni Picariello was voted to represent them as liaison as the Master Plan Steering Committee. Additional correspondence received from Toni Picariello, dated July 16, 1996 identifying children interested in the Master Plan Youth focus group including Courtney Smith, 80 Standish Road and Cindy Beaudin's daughter, 18 Stella Road.

Copy of correspondence from D. DiMartino, dated June 26, 1996 to Massachusetts Executive Office of Environmental Affairs relative to Well #12 ENF, forwarded for the Board's information.

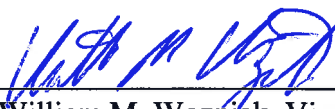
Meeting adjourned at 12:27 p.m.

MINUTES OF PLANNING BOARD MEETING

DECEMBER 21, 1995



Anne M. Morse, Chairman



William M. Wozniak, Vice Chairman



Roland R. LaPrade



Edward T. Moore

Paul Chupa