

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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WILLIAM M. WOZNIAK, VICE CHAIRMAN
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EDWARD T. MOORE
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MINUTES OF REGULAR MEETING

AUGUST 22, 1996

Meeting commenced at 7:00 p.m. All members were present. Associate Member Richard Dill was absent. Planning Board consultant Philip B. Herr was present.

81-P SUBMISSION

Mark DiChristofaro submits an 81-P for Wrentham Road. His neighbor is buying a piece of his property.

RL discloses that he is a direct abutter to this parcel and cannot vote.

M. DiChristofaro is selling the piece in the back. It is residential zoning.

EM moves to sign. WW seconds. Vote of 4 (AM, WW, EM and PC). RL abstains.

SUMMERLAN ESTATES - 2 LOTS HARTFORD AVENUE

AM abstains from this public hearing because she has done work for the applicant. She removes herself from the hearing.

WW takes over as Chairman in AM's absence.

Clerk reads notice of public hearing.

Albert Florentz explains that this is a 2 lot division. It is the same one he brought before the Board last month. He went to the ZBA and got approval for the frontage. He is here asking for

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approval as a subdivision under the new law. The parcel is along the Charles River and is the second to the last lot on the right going into Hopedale. Boston Edison power lines are to the east.

Thomas DeVitt, on behalf of the applicant, advises this is the former Tuttle Estate.

RL asks P. Herr if this is adequate for a definitive.

A. Florentz has the variance from the ZBA.

P. Herr indicates that there is confusion. The zoning variance refers to a different plan than this one. Is the plan here?

T. DeVitt doubts it.

P. Herr states the variance is for a single lot. If a limitation exists, it is on that plan.

T. DeVitt notes that a neighbor (Sara McCallister) went to the ZBA public hearing and requested they move the driveway to the opposite side. She was very happy after they agreed to that.

P. Herr states there is no driveway shown on this plan and it doesn't show the streets. The Planning Board approved a reduced submittal requirement for this type of plan. The issues are simple- whether the egress is safer and whether the zoning has been met?

EM believes it meets the zoning with the 185' frontage variance granted by the ZBA.

P. Herr disagrees because the lot created doesn't meet the lot shape factor. It may have been the intention of the ZBA to grant that as well but they should have asked for a different variance too. They only asked for a frontage variance. The safety egress is okay. He is concerned for a future subdivision with a backlot. There is no language which assures the town it will not be further subdivided.

EM indicates they still need another variance for the lot shape factor.

P. Herr advises that the limit is 22. They have to get it down from 48.

WW reads letter from Donald DiMartino, DPW Director, dated August 20, 1996 wherein he notes that there are no utilities, contours or other indications on the plans, other than property lines. He assumes the plan is incorrectly titled as definitive and for that reason he has no comments at this time.

RL thought that other information including elevation should be shown on the plan.

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P. Herr explains the Board has the authority to waive compliance with zoning in approving a division of land and before they build provided they get the variance for the lot shape factor.

RL suggests they could wait until the applicant gets the other variance.

WW states they still need to see the other plan.

T. DeVitt could have the other plan here before the Board goes home tonight.

P. Herr suggests the applicant could put a restriction on the plan that it will not be further subdivided.

EM refers to Roger Gagnon's plan for 2 lots which was denied by the ZBA. This only had 17' and was granted a 185' variance. Gagnon's has more frontage but has to put in a road and drainage because he was denied.

T. DeVitt asks if the size of the lot matters since it is 12 acres.

EM responds it does have a shape factor. The Board can't vary - only the ZBA can vary that. The Board could continue so they can apply for the variance.

RL states they should come in with the additional variance and the other plan.

EM moves to continue to October 10, 1996 at 8:00 p.m. RL seconds. Vote of 4 (WW, RL, EM, PC). AM abstains and is not present.

P. Herr thinks they should annotate the plan that the lot will not be further subdivided.

RL moves to annotate the plan so there will be no further subdivision without approval from the Planning Board. EM seconds. Vote of 4.

T. DeVitt asks if there is any reason why they can't do a road and come in for 5 - 6 lots. It might be faster than going through and reapplying for a hearing for the variance.

EM responds they could do that.

GENERAL DISCUSSION

Brief discussion follows relative to two zoning bylaw amendments for the October Town Meeting. Clerk advises Board that the North Street rezoning to residential which was heard for the Annual Town Meeting has been resubmitted for the Board's recommendation. In addition, DPW Director has submitted for an amendment entitled Planning Board Inspecting Agent

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Special Account. Board agrees to holding both hearings at the September 12, 1996 meeting. P. Herr would like to receive a copy of the North Street rezoning plan. Both he and Board members ask if the land ownership issue has been resolved. Clerk will contact applicant Ross Thayer to ask him to send a plan to P. Herr and about the ownership dispute.

Clerk advises Board members that the 20 day appeal period has passed. *for interest*

Members sign invoice for P.O. Box fee.

BROOKSIDE ESTATES DRAINAGE MODIFICATIONS

AM abstains from discussion and is not present.

Clerk reads notice of public hearing.

Franklin Pond, engineer, on behalf of applicant, explains they are here for the proposed drainage modifications. The project was designed in the early 1980's and was approved at the end of Woodside/Edgehill Lanes. The road system will remain the same. The road profiles are identical to what was originally approved. 3 sheets were approved and the 4th sheet was amended in the early 1980's. The drainage work went downstream from the project. They intend to open up the pipes and carry the increase in runoff off the site. His client is in the process of purchasing. They have gone through the sewer system for all the lots. It has all been approved by the state. They must file with the Conservation Commission for the crossing. He brought the modification of the original plan. He added a catch basin. There is an existing pair proposed for Woodside Lane which ties into the existing pavement. He has done nothing with Edgehill Lane and it stays as approved. There is only one place where they put in a detention basin. He put in a catch basin and a headwall in the area of the watershed. There will be a small berm upon grading of the lot to collect water. Brookside Lane exists now. Through the middle of the easement there is a brook or stream which a 24" pipe will pick up and bring down through the lots to 140. They will put in a detention basin. They want to put an onsite system in to control the increase of stormwater from the lots. It was designed with a plus, minus fashion and will be decreasing as the water runs to the brook system including the other side. He has taken into account the water from the catch basin where there is a slight increase. There is a net zero increase from the project. They are asking to add 2 catch basins, headwall and a drainage system. Downstream piping system is not required because they are not increasing the site. They are complying with the Conservation Commission by putting in the detention basin. They closed the hearing and will issue an Order of Conditions. They are not the original designers of the subdivision but they are asking for something which it is based upon. There is a deletion of the offsite drainage. The original plan didn't have sewer. They have gone through the treatment plant for the town and had contact with the state. They are waiting to get the final sewer permits.

EM notes they are creating 3 cul-de-sacs.

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A. Florentz indicates that was part of the old subdivision and they didn't want to change it.

P. Herr explains the earlier subdivision was looped but the Conservation Commission was troubled by it so they created the cul-de-sacs.

WW reads August 20, 1996 letter from Donald DiMartino, DPW Director, wherein he states he recommends the drainage piping and detention basin design be reviewed by a professional engineering firm. He realizes this is a modification of the drainage but wanted to go on record with his comments. He agrees with Fire Chief Ranieri's request that the water main be looped out to S. Main St. This water main could be installed with the proposed sewer easement. If installed the water main and the gravity sewer pipe should have a 10 foot horizontal separation. Buildings constructed on the lots which are at higher elevation may experience low water pressure at times when the Town's standpipe levels are low. In other new subdivisions with similar problems of high elevation, it has been suggested that notes be added to the plans indicating this concern and recommending the addition of a booster pump on the domestic water supply lines.

Clerk reads letter from Water Amory, Amory Engineer, dated August 15, 1996, who did the independent engineering analysis on behalf of the town and reviewed drainage calculations and plans prepared by Pond & Associates and Paul N. Robinson. Relative to Background: A portion of Brookside Estates was constructed during the 1980 i.e., Brookside Road and the northerly portion of Edgehill Lane. Work currently proposed includes construction of Woodside Lane and completion of Edgehill Lane. All work is to be in accord with the 1981 Plan, except for the drainage system. Rather than stormwater runoff being discharged directly to the existing drainage system, the majority of runoff will be discharged to a detention basin and thence to the existing drainage system. Comments: 1. There are a number of unresolved matters relating to drainage calculations i.e., delineation of catchment areas and curve numbers (relating to soil characteristics) He has discussed these matters with Mr. Pond but has not yet received the additional information requested. 2. Various details relating to construction of detention basin embankment should be furnished i.e., crest elevation, soil type and interface between existing ground and embankment. 3. Rip rap stone should be specified in accord with Massachusetts Highway Dept. Standards. All rip rap stone should be underlain by crushed stone. 4. Rip rap stone at the end of the 18" RCP discharge to the basin should be extended across the entire width of the basin. 5. A flared-end section with rip rap stone should be provided at the end of the discharge pipe from the detention basin. 6. The grating and screen for the detention basin outlet structure should be constructed of stainless steel (304). 7. A minimum of two test pits should be dug at the detention basin site to ascertain whether or not there will be a 2' vertical separation between basin bottom and maximum groundwater level. 8. Provision should be made to insure proper detention basin maintenance over the long term.

WW states that Amory is waiting for more calculations.

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F. Pond faxed him information pertaining to the watershed areas. They discussed the stainless steel rip rap size. Amory has to review the information. They responded to him on Monday. They anticipated questions.

EM asks if there is any problem with looping the water main.

F. Pond will run the request by the developer. It is only one stub in so he would think it would not be a big item.

P. Herr relies on Amory Engineer but asks if they see any problem digging test pits for the groundwater elevation underneath the detention facility.

F. Pond responds that was done at 1 ½' prior to going to the Conservation Commission and they found ledge at the bottom on the south end. At the north end it is a ½' at the bottom. It is a tight stop with the drainage system if it is raised. They won't get water from the road.

P. Herr explains to the Board that they have dug them but they don't have the 2' which the Regulations call for.

F. Pond advises there is ledge at one end. They talked with the Conservation Commission and if they are agreeable, they will excavate the basin to adjust the length or the width so they don't have to take the ledge out.

WW asks if they are proposing to increase the basin if the ledge is too high.

F. Pond will take the ledge out if they have to.

P. Herr indicates this is major - the separation between the bottom of the detention basin and the water table. It happened at Crossroads but the Board decided it was okay because of the vegetation.

F. Pond can drop the water table into the basin by putting in a subdrain. If the water table is at or near the bottom and the basin is not 2' above it and there is not much elevation difference, they can come out the brook. There is a tight range of elevation.

P. Herr asks about the discharge at the bottom.

F. Pond replies they can come out the bottom and go to the wetland edge.

P. Herr states they could tell Amory they are willing to come up with a competent solution for the discharge elevation above the basin and acceptance that it will not be 2' above.

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A. Florentz indicates that is only during spring time. The soil mottling is at its highest not reached by the water table.

EM asks the reason for the curve or the corner.

P. Herr responds it is to generate lot frontage. The Regulations now prevent anyone from doing that again.

William Concher, abutter, Thayer Street, has been to the Conservation Commission meetings. He is concerned about the water which will accumulate because of the small size lake they are creating. He is concerned about the water which will be built up there. He has had good size floods in his yard without adding water. This will be 200' long x 25' deep. The brook goes through his yard and there is no easement whatsoever.

EM states he is downhill from this.

Sam Carter, 8 Brookside Road, is concerned about the water runoff to his property. There is a 24" pipe which if plugged will get flooded and will back up with debris.

EM asks if the drainage system will tie into this pipe.

F. Pond responds the whole thing comes down into the brook and they are picking up a portion which will be diverted but some will go in a different direction.

EM asks the percentage increase in runoff.

F. Pond responds it reduces as they go to the 100 year storm.

WW asks if it is large enough to handle what is there now without the detention pipe.

EM asks if they are increasing the runoff more than 10%.

F. Pond responds it is overall a negative.

P. Herr explains the system they inherited is inadequate. The answer is it's okay when it is clean but not when it gets plugged.

F. Pond has 61 cfs during the 100 year storm and 46 coming out at the 24". If they increase the pipe, they increase the discharge downstream. If they make it bigger they throw the problem downstream to the next pipe. That's why they looked at it onsite.

WW indicates it would go to the back of the Town Common.

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EM is not asking him to redesign the pipe to the Charles River but wants to make sure it doesn't make it worse.

A. Florentz indicates they are talking a negative when the stream dries up.

F. Pond states it is 2cfs. There is a large watershed which all feeds the stream.

EM explains that this was already approved but maybe it wouldn't be approved now. This should be an improvement.

P. Herr thinks they should hear from Amory.

Ron MacDonald, 20 Brookside Road, asks about the location of the retention area.

F. Pond responds it is towards the brook, the full house lot behind the house.

R. MacDonald advises there is a tremendous flow at Brookside Lane now.

RL notes that detention slows it down.

EM moves to continue to next meeting on September 12, 1996 at 7:00 p.m. in order to obtain more information from Amory Engineers. RL seconds. Vote of 4 (WW, RL, EM and PC). AM abstains and is not present.

LILYPAD FAMILY AQUATIC CENTER DEVELOPMENT PLAN REVIEW

AM rejoins the meeting and takes over as Chairman.

Edward Terrell, Director, Tritown Community Development Corp, a nonprofit community development corporation, located at 200 Wrentham Road presents a summary of the proposed development project to Board members. He advises they are tasked with identifying and addressing the needs of the low - moderate income residents and addresses the handicapped and elderly. They are proposing an aquatic therapeutic facility. There is no facility within one hour of this area for children who have cerebral palsy. It was specifically designed with this population in mind. They will have an aquatrend water workout station specifically designed for hydrotherapy. They propose a swim lift and a pool lift which is a way to get anyone in and out of the pool. There will be easy ladder access for the elderly with parallel bars used for physical therapy and rehabilitation. The water temperature will be maintained at 85 degrees. The Easter Seal Society has already requested 15 days per month and the Mass. Dept. Of Mental Retardation has requested access one day per week. Agencies can send clients with a therapist. He introduces Paul Sharp, architect working with the CDC.

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Paul Sharp identifies the location of the proposal on S. Main St., behind the elder care center. The structure would be wood frame with a locker room and administrative space. There will be an inflatable structure over the pool. The pool would be 38' x 75', 12' deep at one end with an air lock system for pedestrian and wheelchair access. The maximum height of the bubble is 30'. The building will be 21' at the peak but most of the roof is at 16'. It is a low structure with a wood frame and stucco exterior.

E.K. Khalsa, Land Planning, engineer, introduces Ken Staffier, his associate, and presents a colored site plan. The orange delineates the existing pavement and existing parking facility is colored yellow. The violet is the proposed additional parking with 40 additional parking spaces based on 30 lockers. The use will occur in phases throughout the day. The backend of the property will remain open and unpaved. The detention/retention pond is blue in the corner of the lot. It is 672 square feet at the base and will hold back the additional volume of runoff. The center will provide additional retention to manage during the 25 and 100 year storms. They request a variance for the depth of the retention pond which is at 6' instead of the required 5'. They have graded 2 - 1 with rip rap to the property line which is in green.

Clerk reads Fire Chief Richard Ranieri's letter, dated August 19, 1996, wherein he states he reviewed the plan which wasn't great as to detail since it was just an 8 1/2" x 11" sheet. He is concerned with the adequacy of the proposed parking. In the project description there is reference to swimming lessons as part of the scope of the business. He is concerned that with the elderly day care business and the aquatic center that the parking will exceed the space resulting in possible obstruction around the driveway and entranceway. The entrance ways are only approximately 20' wide without vehicles parked along them. He recommends that a fire hydrant be installed towards the rear portion during the site work phase. This should not pose a problem since a water main will need to be extended to the new building for a sprinkler system for the new facility. The location of the hydrant will be determined and approved by the Fire Dept. prior to installation. The location will depend upon the location and accessibility of the FD sprinkler connection. Water main and size to be as per DPW specifications but no less than 8".

EM asks if they are required to put in a sprinkler system over the pool.

P. Sharp replies affirmatively. Mass. Code and town codes are different relative to this permanent structure. It is 7500 square feet in total size. Town code requires a sprinkler system not in the bubble but in the administrative area. The activity space will not be sprinkled but the adjacent area will be sprinkled.

AM asks about the parking.

P. Sharp states it is not a recreational facility or a professional office so they used the number of lockers to determine the parking.

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PC points out that many people will be brought by van.

P. Sharp identifies the locker count at 30 in each of the locker rooms. They have one parking space for every two lockers for staff (physical therapist) with patient.

AM asks if it will be open to nondisabled people.

E. Terrell responds they will also provide swimming classes which will be scheduled. Approximately half of the clients who use the facility will be nondisabled.

WW asks what happens with the building if they stop.

E. Terrell responds that given the fact that there is nothing like it around, he can't imagine they would stop.

P. Sharp reiterates they will have one parking spot per every two lockers.

EM believes that is provided they already have enough parking spaces in the front.

P. Herr advises that this is the first he has seen the plan. It was not distributed. He suggests the applicant find a comparable facility and see what their parking is like. There is concern because this is a tight site.

EM states the Board can reduce the number of parking spaces but they must have a reason.

P. Herr indicates that no one has reviewed the retention/detention facility and suggests that Amory, an independent engineer, look at it for the town.

P. Sharp refers to the site distance which was reviewed by Sgt. Haughey and found to be adequate.

Joyce Godbot indicates the parking lot is already signed. The front building is empty by 3:00 p.m. and no one else parks there. They have 20 empty parking spaces.

EM asks the proposed hours.

E. Terrell responds they will be open to 10:00 p.m.

J. Godbot asks if there is a way for them to get approval tonight since they were hoping to start construction in October.

Clerk advises there is a \$140.00 fee based on 40 additional parking spaces.

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J. Godbot will forward the check to Town Hall tomorrow.

P. Herr doesn't know if the plan is sufficiently complete because this is the first he has seen it. The Subdivision Regulations can be waived but they have to hear from Amory before they do that. This is a tough site.

E.K. Khalsa indicates that the stormwater management could be reviewed by the consultant. It meets all the requirements. They request a modification of the depth and slope.

P. Herr states it is perched on the side of a hill.

PC explains the process to the applicant. The independent engineer reviews the plan on the town's behalf. The Town Administrator schedules the review and the applicant pays for it. He has been using Amory Engineers but it may not necessarily be done by Amory.

E.K. Khalsa indicates a 4' fence is required.

P. Sharp notes there will be no vehicular or pedestrian access.

J. Godbot asks if the Board feels this review is necessary. They have limited funds.

RL moves to have the drainage reviewed by an independent engineer. EM seconds. Unanimous vote of 5.

EM points out that there is already a runoff problem.

PC moves to continue the development plan review meeting to September 26, 1996 at 7:30 p.m. RL seconds. Unanimous vote of 5.

P. Herr advises that Amory will want to know where the water table is.

J. Godbot requests the Board schedule for the next meeting instead of one month from now.

PC withdraws his motion. RL seconds. Vote of 5.

WW moves to modify the continuance to September 12, 1996 at 7:35 p.m. EM seconds. Unanimous vote of 5.

J. Godbot will have a plan to Town Administrator tomorrow.

HIXON FARM ESTATES DEFINITIVE SUBDIVISION
CONTINUED PUBLIC HEARING

Clerk reads letter from Thomas Sexton, Amory Engineers, dated August 16, 1996 wherein he states that he reviewed plans sheets 1 through 8 revised July 15, 1996 including the drainage study dated July 16, 1996. The proposed development would include Roads A and B, each having drainage piped to detention basins at the end of each cul-de-sac. Stormwater runoff from development would be tributary to Beaver Pond, Beaver Brook and the Charles River. He offers the following comments relative to the drainage system: 1. The overall post development rate of runoff leaving the site must not exceed that of predevelopment. Those areas to be developed which are not tributary to the drainage system (uncontrolled runoff) must be included in the comparison of pre versus post development runoff. Therefore, redesign of detention basins is needed to compensate for other uncontrolled post development runoff. 2. Drainage calculations should limit flow through Weir Structure No. 1 to the invert elevation of Weir Structure No. 2. The basins should be resized accordingly. Weir lengths shown on the construction details should be consistent with the calculations. 3. The outlet control structure must provide full protection against seepage and erosion. We recommend either 1) a concrete flume throughout the dike, or 2) an outlet control structure within the basin and stormwater piped through the dike. 4. Dike material should consist of silty gravel meeting AASHTO Soil Specification Type GM or GC. Dike material should be stabilized within 4" of loam and seeded. The dike construction details should be revised accordingly. 5. Silt-trap swales or "micro-pools" are recommended to localized sedimentation at detention basin inlets. Inlet-outlet flow paths within the basins should be maximized for optimum sediment removal. 6. Rip rap sizing calculations should be provided for all rip rap locations and shown on the plans accordingly. We recommend that rip rap be underlain by 6 inches of 1 - ½" stone. 7. A wetlands planting plan is recommended for the detention basins. 8. Test pit logs did not use USDA soil classification methods and therefore did not verify soil types and seasonal high groundwater levels. They recommend additional witnessed test pits be performed by a certified soils evaluator, particularly within the detention basins. 9. The basis for channel shapes and Manning coefficients assumed in the time of concentration calculations should be provided. Pipe flow times in the time of concentration calculations should be consistent with drain pipe sizing calculations. 10. The basin should be enclosed by a 4' high chainlink fence. 11. To assure Road A runoff will not enter Hixon Street, a negative grade between the entrance and the first set of catchbasins is recommended.

Fred Lapham, Shea Engineering, advises he has reviewed the letter in detail but hasn't been able to get in touch with Mr. Sexton. Relative to #1 uncontrolled runoff, there are certain areas which are sloped and the piped drainage system is channeled to the detention. Few areas of the site won't be channeled. The backyards will slope towards the wetlands. There will be less infiltration with the lawns which they will take into consideration when sizing the detention basin. They would prefer not to make it bigger. The issue will be straightened out between them and Amory Engineers. Relative to #7, the wetlands planting plan: It is not designed to be wetlands since it will be elevated above the high groundwater - 2' above. They would prefer to

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have a nice gradual grassed area. This subdivision is grandfathered under the old Title 5. They did establish the high groundwater using Title 5 when it was first conceived.

P. Herr asks about issues with the Conservation Commission and also discusses using roof drains for security. It is obvious the alternative is an increase in the size of the basin.

F. Lapham refers to item #11 in the Amory letter - the grade for Road A will be a down gradient at Hixon Street. The high point is at 1+21 and the basins start at 0+42. There will be a short apron area at the roadway. The new drainage will be put in down Hixon Street to provide for the runoff. Two houses will have substantial improvements to close the property line.

P. Herr thinks the set of plans which the Amory Engineer reviewed did not show the new drains on Hixon Street. What about the road improvements?

F. Lapham responds they could have a 20' pavement and build as a lane. They are proposing a 20' pavement throughout to Road A 20' wide.

P. Herr asks the location of the street lights.

EM moves to continued to September 12, 1996 at 8:45 p.m. WW seconds. Unanimous vote of 5. Applicant to get in touch with Amory before next hearing relative to the new revisions.

SPRING MEADOW DEFINITIVE SUBDIVISION **CONTINUED PUBLIC HEARING**

AM reads letter from Robert Homer, Lincoln-Mill Engineering Associates, dated August 15, 1996 wherein he states that they terminated services for this subdivision at the completion of the Preliminary Plan. The use of the firm name on the Definitive Plan is totally unauthorized and they will not be providing any services whatsoever, associated with the Definitive Plan nor assuming any liability for the design or construction. He has advised the applicant to remove the first name from the plan immediately.

Greg Rondeau, applicant, explains that Mr. Homer started the subdivision but didn't have time to do it at the definitive stage. He was faced with finding another engineer to do the drainage calculations and take over with the consultants for the town. He converted to another engineer but left the name of the original firm which started it. It was signed by another engineer and stamped. The issue is the firm name on the plan.

P. Herr advised that the plans were prepared by an engineer but is now lacking the review by Mr. Amory. The applicant should resubmit with the correct name.

G. Rondeau had copies made with the original layout.

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RL moves to continue the Spring Meadow public hearing to September 26, 1996 at 8:00 p.m.
RM seconds. Unanimous vote of 5.

Water Naaf asks if the abutting road and house lot will be surveyed.

G. Rondeau responds that the road was layed out but some of the stakes were knocked over.

John Brunn, abutter, is concerned about the trees which run by Walter's property line and asks if the trees will be left alone.

G. Rondeau replies they will save whatever trees they can save.

P. Herr notes that since it is in a Water Resource District and will have on site disposal, an Environmental Analysis is required.

G. Rondeau presents a copy of the Environmental Assessment Report completed by Ecotec, Inc.

PINECREST ESTATES

Albert Florentz presents the ~~plan~~ Definitive Plan to be signed since the 20 day appeal period has passed. He asks if the Board would consider waiving the sidewalks and keeping it as a private road. The variance was turned down by the ZBA.

EM responds that it would have to be readvertised if they are asking for waivers. Discussion follows relative to 20 day appeal period for ZBA decision.

Clerk explains that the ZBA made their decision without the benefit of the Planning Board decision since we had to wait for Town Counsel's okay before filing the decision with the Town Clerk.

AM notes that this is not technically a hardship.

EM discussed the situation with Town Counsel who advised that it could be remanded to the ZBA rather than overturned. Applicant appeals the decision and Town Counsel has it remanded back to the ZBA.

P. Herr explains that the Planning Board required compliance with everything. The neighbors are more at risk with bituminous concrete. The Planning Board can waive whatever is reasonable.

EM understands the neighbors call for strict compliance is cost prohibitive. They could hold a new public hearing to ask an amendment. They would have to check with Town Counsel to see

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if they can waive and what the legal ramifications are. They had to prove it could be built before they could agree to waivers.

Further discussion relative to appealing the ZBA decision and having it remanded back to the ZBA.

Roger Gagnon, applicant, asks if he can eliminate the size of the water main.

P. Herr responds they can change the size of the water main and the fire hydrant but the DPW has authority. The Planning Board must agree to it. That would be a minor departure and not an amendment to the subdivision because it doesn't effect other people.

DEER RUN CLUSTER SPECIAL PERMIT/DEFINITIVE SUBDIVISION DECISION

AM calls for 5 minute recess to review decisions and information distributed by P. Herr.

Sara Pultz added wetland flags and put in 40' frontage at Parcel B which has frontage on an existing street.

Erik Anderberg, Esquire, indicates that the intent of the Bylaw is met with the 40' frontage on a road. They also changed details which Mr. Amory requested on the drainage. The easement for Muron was taken off. They put in the cul-de-sac which will still be a through street.

P. Herr asks what happens relative to Pine Grove Avenue.

E. Anderberg responds they can put in a cul-de-sac since the town will own the land. It is about 20' wide there.

P. Herr reads from special permit decision #2, page 3 and states if the applicant doesn't want to put the gate in, he can just pay for it to be put in. If the DPW Director doesn't want it, they can get together and pay for a study. The construction traffic will go to Pulaski Blvd. There is no experience to have a determination about the traffic flow until the development is complete. They are asking him to put the gate in prior to the final release with a Deer Run/Pine Grove traffic analysis.

E. Anderberg indicates that the sewer will start at the Pine Grove end and connected through opened to Pulaski. Construction vehicles will go to Pulaski Blvd.

EM understands that in the beginning there will be a temporary opening for construction vehicles to Pine Grove. He asks if the developer will pay for the counting.

Tim Jones, developer, responds affirmatively. He will either pay for the counting or put up the

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gate.

WW asks when they will do the traffic count.

P. Herr responds it will be done at the completion stage.

WW doesn't think it is fair that the road will be open for awhile before they do the traffic count.

EM doesn't think they have to accept it - they can tell him to come back in 6 months. He thinks the count is cheaper than the gate.

AM thought they were either having a cul-de-sac or a through road but not doing both.

S. Pultz can do a cul-de-sac but would have to move a couple of catch basins.

Discussion follows relative to when the breakaway gate should be put in.

RL was under the assumption it would go to the Board of Selectmen to close it. He thought it would be open until it was closed, not closed until it was open.

AM believes the decision implies they are going to do the gate but they may not need the gate at all.

E. Anderberg interprets it to say they will put in the gate unless there is evidence to the contrary.

P. Herr advises the gate will go in if there is evidence that it is needed and the Board will hold on to security. They need 6 months to let people get used to it.

T. Jones agrees to 6 months from the day it opens to a through street.

Discussion follows relative to whether or not the Board could sign the signature pages tonight and insert pages with revisions after they are completed.

P. Herr reviews the Certificate of Approval for the Definitive Subdivision with the Board: #1 construction completed within 36 months rather than the usual 24 which is reasonable for a development of this size. A, b, d, e is the description process which comes from Mr. Anderberg. Town Counsel reviewed decision and said it was okay.

E. Anderberg refers to #4, page 3 where the number of released lots in the subdivision (18) is too low.

T. Jones asks the Board to bump the number up since otherwise he won't have time to figure out

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the maintenance figure. He suggests 25 since by then he should know how much it will take to maintain the catch basins on a yearly basis.

P. Herr refers to page 4, (c), if he had a house there he would want to go out Pulaski Blvd.

Discussion follows relative to project completed in 3 phases and no binder coat all the way through.

EM advises it is the intent for the construction to go to Pulaski Blvd. But it is not the Board's intent to close it off to the people who live there.

P. Herr will drop the last sentence off which states "Until construction and conveyances within the subdivision are substantially complete, only construction traffic will be permitted access via Pulaski Blvd." Board members discuss Deer Run/Pine Grove traffic analysis and policy issues for how many through trips are enough.

WW suggests they could put up signs stating no through traffic during certain hours.

P. Herr does not believe that is enforceable.

T. Jones suggests the traffic count be done 6 months after it is open to Pulaski Blvd.

P. Herr doesn't think it should be less than 6 months. Discussion relative to how traffic count will be done. Board could sign decision tonight and he will fix it with hammerhead and gate or he can redo it and the Board can sign at the next meeting.

E. Anderberg presents request for extension to September 16, 1996.

EM moves to grant extension to Deer Run subdivision to September 16, 1996. RL seconds. Unanimous vote of 5.

THE WOODLANDS

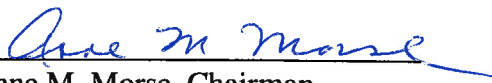
Clerk reads memo received from Franklin ZBA for proposal to revise the Woodlands and put in connection to Bellingham.

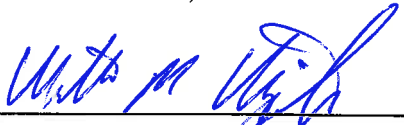
P. Herr briefly reviews plan and advises Board that two lots are in Bellingham. It is surrounded by industrial district. He will take a copy of the plan and review it.

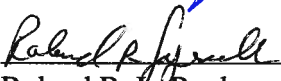
Meeting adjourned at 11:40 p.m.


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Anne M. Morse, Chairman


William M. Wozniak, Vice Chairman


Roland R. LaPrade


Edward T. Moore

Paul Chupa