

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

SEPTEMBER 26, 1996

Meeting commenced at 7:06 p.m. All members except PC were present. Associate Member Richard Dill and Planning Board consultant Philip B. Herr were also present.

HIXON FARMS CONTINUED DEFINITIVE SUBDIVISION

Clerk reads speed memo from Donald DiMartino, DPW Director, dated September 26, 1996, stating that at the request of Tom Sexton, Amory Engineers, he visited the Hixon Farms site of proposed construction to view the effect of the 40 plus feet of new proposed street A would make on the drainage or puddling of Barrett Lane. It seems that the water which would run off onto Hixon Street from Road A should run down Hixon Street, flowing north. The crown in Hixon Street should prevent any water from Road A from entering Barrett Lane. Barrett Lane has a good slope away from Hixon Street and has catch basins at the base of the hill. As the run off will stay on Hixon Street, he would recommend that the section of Hixon Street between Road A and B be overlayed and a bituminous berm installed in the west gutter. This should insure that the run off from Road A reaches the drainage system proposed for Road B. He suggests this be added to the subdivision plans.

P. Herr adds that Mr. Sexton had a concern about the necessity of adding catch basins which come out opposite Barrett Lane.

Fred Lapham, Shea Engineering, states there is a catch basin at 0+42 on Road A. Mr. Sexton was concerned whether they should add a catch basin.

P. Herr points out that Mr. Sexton was happy to defer to D. DiMartino since he was not able to physically get out to look at the site.

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F. Lapham has a set of basins which takes the water from Hixon Street at the low point.

P. Herr believes Mr. DiMartino is saying the crown of the road is enough so the water won't wind up at Barrett Lane.

F. Lapham agrees that it is crowned. It will be repaved and widened with a berm.

P. Herr agrees there is no need for another catch basin. The second issue has to do with vegetation at the bottom of the detention basins which was deferred to the Conservation Commission. The Planning Board does not care what is planted but the ConCom might. Sexton said it was probably okay.

F. Lapham explains that they went to the ConCom and they felt what is shown is adequate. The ConCom closed their public hearing and they are waiting for an Order of Conditions.

P. Herr advises those were the last two issues outstanding.

F. Lapham knows what the Amory Engineer wants and they agreed to that on the telephone. He agreed to add a wingwall outlet to the control structure.

RL asks how it happens that they wait until the day of the meeting to communicate.

F. Lapham explains that it took one week to redo the plans and Mr. Sexton was out of the office for all of this week because his wife had a baby.

EM moves to close the public hearing. RL seconds. Vote of 4 (AM, WW, RL and EM). PC absent.

EM moves to approve Hixon Farms Definitive Subdivision with an overlay done on Hixon Street at Road A and a gutter berm installed to correct the drainage and wingwall on the outlet control structure for the detention areas (reference to D. DiMartino's speed memo).

P. Herr asks about the timing issue for the decision.

EM indicates that the cluster special permit will be constructed and not the definitive subdivision.

P. Herr states they are one and the same. The applicant utilizes the special permit by starting it. All improvements will be done within a period of time.

F. Lapham points out that the applicant is interested in building one side before the other. Each side of Road A and Road B will have its own drainage system. They will be looping the water

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main but he asks if it must be constructed in order to build one side at a time. Road B will be built first, then the extension to Hixon Street and then it will be looped back around.

Roger Gagnon would like to end at lot 10 instead of having to tear it up now.

P. Herr asks about the timing for build out. If it is not built within a certain period of time, it will be rescinded.

R. Gagnon asks that it be no longer than 3 years.

EM agrees to make that part of his motion that there will be a 3 year build out rate. RL seconds. Vote of 4 (AM, WW, RL and EM). PC absent.

P. Herr asks how soon they have before they must notify the Town Clerk of the decision.

EM believes they are voting tonight in concept and directing him to prepare a decision.

R. Gagnon advises that winter is coming in and he would like to get a base in.

EM replies the decision could be ready by the next meeting. Tonight the Board voted to approve the decision which will be drafted but it won't be filed with the Town Clerk until two weeks from now.

Clerk advises that another extension is required. Robert Stockton provides an extension to October 15, 1996.

P. Herr requests that Mr. Lapham date the drawing tomorrow, September 27, 1996 for the decision. Hearing closed date is today.

LILIPAD AQUATIC CENTER DEVELOPMENT PLAN REVIEW CONTINUED

AM asks how they can continue the discussion without written Amory input. Drainage is the big issue.

P. Herr has oral input from Mr. Sexton.

E.K. Khalsa, Land Planning explains the Amory engineer prepared comments in his letter dated September 5, 1996 for which they prepared responses and held discussions with him and revised their plans which were sent with a letter September 9, 1996. He also had a telephone conversation with P. Herr and revised the plans accordingly to address his concerns as well. The primary issue with T. Sexton was the size and functioning of the detention basin. As a result of the discussions, they expanded the size of the detention basin and came up with means to reduce

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the siltation with sumps designed to remove the silt and sediment. Modifications were made to the detention basin which will now empty within 25 hours instead of 1 ½ days. The structure of the bottom of the detention will include the amount of infiltration. Several minor changes were made as a result of discussions with P. Herr. They added use of the surrounding properties which are residential and commercial. Two abutters are commercial. There was discussion relative to ongoing maintenance into the future. They look to the town and the consultants for an idea how to best proceed.

AM refers to the question about the number of parking spaces versus the requirement.

E.K. hasn't modified the parking in any way.

P. Herr notes they were asked to verify, not modify.

E.K. indicates there is no standard in the town's parking regulations. He asks if they still need a waiver for the depth and slope?.

P. Herr replies affirmatively to both. The issue relative to ongoing maintenance outstanding depends on the bottom material in the basin which was still being discussed today.

E.K. states the bottom will be sand as requested by Amory.

P. Herr states that Amory suggested the sand be removed annually so it will continue to work but Mr. Sexton agreed today to an annual sampling of the sand measure.

EM notes that the Deer Run drainage basin will be on private property and this will be on private property.

P. Herr indicates this is closer to the Crossroads situation where an annual review is required.

EM believes this is more critical because it is uphill. How can the Board enforce to say they must check it annually?

P. Herr advises numbers of people all agree the system will perform in a satisfactory way routinely which will be tolerable for the 100 year storm. Overtime the soil will become clogged which would create a civil suit between the owners and the neighbors. It serves the interests of both the owners and the town to have an arrangement that will assure the town of a commitment for annual maintenance. The Cogeneration Plant sends an annual water report. They are monitoring the water and reporting to the town. If that failed to come in, the owners would lose a measure of protection. The applicant agreed to put in a hi-tech bottom which they will make work even when it is frozen. It is unprecedented but not a bad idea.

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E.K. points out the applicant has no objection to the maintenance program. It will allow them to determine the percentage of silt in the sand at a specific time every year to see if the sand is working. There will be an annual cleaning of the catch basin. They will review the swale to insure it works in the future. They can prepare a maintenance agreement and send it to Amory for review.

P. Herr agrees it is fine for the applicant's engineer to prepare it.

EM asks who the report for the annual inspection will go to? It should go to the DPW and not the Planning Board. ? How will they get in to take sand samples? What if there is water in there all the time?

P. Herr replies there is not supposed to be water all the time. If there is, then it failed.

EM indicates there is water coming down from there all the time.

P. Herr notes they have done test pits where they will dig the hole. Sexton had a number of small changes to facilitate access to the bottom of the basin. The question now is does the Board feels it is necessary for this to go back to him for review before the Board can act.

E.K. spoke with Mr. Sexton this afternoon when the issue of access was discussed. There was a question of providing for machine access since they will do the maintenance by machine. His sense is that any of the issue are resolvable questions. They need to determine precisely what it will look like.

P. Herr questions whether the Board can act on the plan before the plans have been revised. Where does the rain from the bubble go?. Is the crushed stone swale shown on the drawing?

Paul Sharp, architect, responds it is not shown yet. They just decided to provide it. At the last 3 - 4 feet of the foundation of the bubble, they will have a deep gravel bed with a pipe which will act as a gutter. The hardest part is the back where they will have a level band of grade around the building.

P. Herr questions if they are content it will work with the steep grade at the back.

P. Sharp responds they will have the grade around the building and pitch it 3' away.

EM asks what happens with the pool maintenance when it is drained.

P. Sharp replies there will be routine backwash into the drywell.

E.K. indicates there will be no increase in velocity or runoff. There will actually be a decrease in

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runoff. They will be intercepting the flow into Clark's property.

P. Herr asks if the building will incorporate a gutter to catch the runoff.

P. Sharp responds the bubble doesn't.

P. Herr refers to the roof area which will have a fair amount of water which will go to a quite steep slope. The way it is drawn it rolls down the hill. They have a grading change to make the swale possible and a positive grade to make the scheme work. The perforated pipe will pick up below the grade. They will have a foundation drain instead of gravel at the bottom to carry it to the surface.

P. Herr asks if the detail will be included on the detail sheet.

P. Staffier can do that.

WW doesn't think they are going to get too much silt off the bubble.

P. Staffier believes the surface swale is a cheaper solution if it will work.

E.K. could prepare a detail and submit it to Sexton.

P. Herr refers to the parking illustration and the number of lockers.

E.K. explains they have an addition of 19 new spaces and a section with 9 plus 5 plus 5. They are adding 38. Existing parking is 8 plus additional not marked spaces of 4 or 5 in the back and 12 in the front of the building.

J. Godbout states there are 27 in the front of the building.

AM notes that is 38 new and 27 in the front.

P. Herr asks if they will continue to be true afterwards or if they will lose some. The drawing shows 8 spaces plus 5 plus 5 proposed for the future plus 9 plus 19 which equals 38 plus 8 as shown on the drawing for a total of 46. Grade changes are shown where there is now parking so some of the spaces are no longer there. Now there is the potential to park there but that won't be true once this is constructed.

AM asks about dimension requirements for the front of the building for parking.

P. Herr replies they don't have any because this is a rare use and is not listed.

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J. Godbout has 4 wheelchair vans parking there. The rehab pool will be bussed in.

AM asks when the facility will be open to the public for swimming lessons.

J. Godbout replies it will be after 3 p.m.

P. Staffier indicates they have one parking space for every two lockers for 30 maximum.

Edward Tirrell, director TriTown CDC, explains it is difficult to find a similar use with similar circumstances. He refers to the Mass Health and Fitness Center in Shrewsbury which has aquatic therapy but also has an indoor/outdoor pool, driving range and health club for a total of 120 parking spaces. Taking one-quarter of the spaces for the indoor pool equals 30 spaces.

Skip Shreffler notes the Y in Franklin has 63 total spaces, 60 plus 3 handicapped for 200 lockers.

Clerk reads August 19, 1996 letter from the Fire Chief relative to his concern about parking and blocking the entrance.

E.K.'s impression was that the Fire Chief was concerned about blocking the entrance and not insufficient parking of the facility as a whole.

P. Herr believes the Fire Chief's concern was that the parking will not be adequate and they will end up with people parking along the driveways. The likelihood for the need of emergency services is fairly good.

J. Godbout indicates that at the end of the day the program vans can park in their other lot across the street.

E.K. believes that an ambulance can still fit if cars are parking since there is 30'. Even if cars are parking improperly there will still be sufficient room to get in. They have one way going out on the other side so emergency vehicles could access the building on the other side of the building where there is no parking.

WW asks how wide the parking is in the back?

E.K. responds it is 40'.

P. Herr asks about the size of the parking spaces. The Board has the authority to set standards for the sizes of spaces.

P. Staffier replies they are 8'6" x 18'6".

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E.K. advises there are handicapped spaces throughout.

J. Godbout notes the existing parking spaces are all the same size.

E.K. verifies the size of the parking spaces at 8' x 18'6".

P. Herr indicates that 9' is the usual for parking spaces. He hasn't seen an 8'2" space or even an 8'6" space. The Board set standards for parking spaces.

SPRING MEADOW DEFINITIVE SUBDIVISION CONTINUED

Applicant Greg Rondeau agrees to continue for 15 minutes.

EM moves to continue to 8:30 p.m. tonight. WW seconds. Vote of 4 (AM, WW, RL and EM). PC absent.

LILIPAD CONTINUED

AM reads from Section 3300 from the Zoning Bylaw Schedule of Requirements for commercial capacity and commercial recreation spaces. Each locker participant and spectator should be counted. They should have one parking space per every 2 people and one space per every 3 person spectator capacity. They will have public lessons so there will be a lot of people there including spectators. She asks how many people they will have in lessons.

S. Shreffler replies they will have 6 - 8 per group with 2 or 3 classes at a time.

AM notes that is 24 kids at a time.

WW thinks they should consider kids are not driving themselves so they could have one parking space for every two lockers.

R. Dill believes the total is 16.

EM refers to Section 3312 which allows for a reduction. The Planning Board can determine adequate parking because the peak parking is at different times.

RL points out that when they go with 9' wide spaces they will have fewer parking spaces.

P. Herr refers to minimum width of parking spaces at 8'8".

WW believes they will lose 3 in the backlot. Is there a reason why the peninsula goes in?

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P. Staffier replies it is for minimum impact with that much asphalt. They have 2 planting islands which are breaking up the asphalt.

EM notes that each time they cut down, they change the impervious surface which would have to be re-evaluated.

P. Herr does not believe the throat is the real problem. He reviews the plan to verify the number of parking spaces. The north side says there are 5 spaces but there are really 4. There are 17 spaces where it says 19.

E.K. counts and states there are 14 where it says 9.

P. Herr suggests they go back and re-examine the parking to make the spaces conform to the required measurements. 8'8" is the minimum width required.

AM asks about the size of handicapped.

WW replies that the regulations require 12' for handicapped.

P. Herr states the problem is the applicant doesn't have guidance on how many spaces to provide.

AM wants to see how many they can provide.

E.K. points out if they modify, they will reduce the number. He asks if the number of spaces in the front are adequate. Are the number of spaces in the rear adequate?

P. Herr asks about the peak parking demand.

J. Godbout has 27 spaces in the front now and only uses 8.

P. Staffier explains the rear building will have 3 offices on one level with 2 locker rooms and a small staff locker room.

AM asks the number of staff at the peak hour.

S. Shreffler replies they will have 3 full time plus 4 other lifeguards part time.

P. Herr refers to the observation area where spectators will be. Expecting more than 10 spectators is optimistic.

AM believes that with a maximum of 24 students and a staff of 7, they are maxed out.

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WW notes that at that time, the front is closed.

P. Herr figures that one parking space for every two participants will be 12 spaces plus 7 staff and a handful of spectators.

E.K. believes they will need 27 parking spaces. One for every two users with 24 people in the pool for 12 plus 8 plus 7 staff equals 27. They will leave the front 8 separate.

WW thinks they should have 30 spaces, one for every two of the 60 lockers.

P. Herr states the handicapped spaces must meet the architectural standards and nonhandicapped at 8'8" all included in the 30.

AM asks if the handicapped will be using the pool at the same time as the swimming lessons.

P. Staffier replies they will use it at a different time of day.

P. Herr points out there is a safety valve with the parking across the street. They can fit as many spaces as they can in the blue lines. They will have the same configuration of bituminous. They are talking about striping differently. It won't change Amory's evaluation. They will work hard not to change the impervious surface. The machine access will also be shown. He asks about people walking onto the premises and how they will do that.

EM notes there is an adequate sidewalk on the side street. It is wide enough at the entrance for a vehicle to go in at the same time.

P. Herr indicates that part of the site plan review is to provide pedestrian safety.

AM states there is a day care across the street. She asks if they walk.

J. Godbout replies they are driven across the street for safety reasons.

P. Herr asks what separates the sidewalk from the street.

E.K. responds that the edge of the pavement/bituminous curve abuts the sidewalk.

P. Herr asks what they mean by the edge of the pavement.

EM responds it is a raised sidewalk with a berm.

J. Godbout explains they tried to have grass but they couldn't because people were walking through and throwing trash and the grass couldn't grow so they paved it. The reason for the berm is to keep

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the trash from going out on the street and to keep cars from coming onto the sidewalk.

P. Herr believes the answer is that it is easy for people to walk across. Revisions to be made, sent to Amory and P. Herr so the Board can act on this at the next meeting.

EM moves to continue Lilipad to October 10, 1996 at 7:00 p.m. WW seconds. Vote of 4 (AM, WW, RL, EM). PC absent.

SPRING MEADOW CONTINUED DEFINITIVE SUBDIVISION

Greg Rondeau, applicant, brings the Board up to date. At the last meeting, the hearing was continued for the Amory review relative to the drainage on the plans. They changed the plans from the engineer who originally stamped them and delivered them to Amory for the review. Amory is still reviewing the plans and didn't get a chance to finish up so he requests a continuance.

EM moves to continue to October 10, 1996 at 8:30 p.m. RL seconds. Vote of 4 (AM, WW, RL and EM). PC absent.

G. Rondeau explains they only changed the title block on the plan. He will bring sufficient copies next time. He presents a request for an extension of the timeframe for action to October 31, 1996.

EM moves to grant the extension to October 31, 1996. RL seconds. Vote of 4. PC absent.

MINUTES ACCEPTANCE

RL moves to accept the August 22, 1996 minutes. EM seconds. Vote of 4. PC absent.

PINECREST REVISED DEFINITIVE SUBDIVISION PUBLIC HEARING

EM moves to waive the reading of the notice of public hearing. WW seconds. Vote of 4. PC absent.

A. Florentz presents a list of waivers from Section 42, 421 through 428, relative to the road..

EM states they are asking to waive the building of the road to use a 10' driveway. Will they still do everything else on the plan?

A. Florentz clarifies they won't need the retention because it won't be necessary without the road. They will have road drain drywells with the 10' driveway.

EM believes they have to state exactly what they are asking to be waived.

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RL would agree with waiving the road if they kept the retention.

AM notes the whole issue was brought up because there is an existing problem with water.

EM indicates that his waiver request is only asking to waive the road not anything else.

P. Herr agrees, but he can ask for more.

Ronald Paullis, Ocean Realty Trust, abutter, is concerned about the runoff. His property is downhill to the rear. The water table is high right now. The Norfolk Mosquito Control is out cutting trees to get the water to flow.

R. Gagnon doesn't think the water is coming from his lot.

Jean Reckert, abutter, states that the water is flowing downhill.

AM has no arguments about the road but the retention is still needed.

R. Gagnon explains there is no water on his property. It is all dry. There were all dead trees but he cleared it out.

J. Reckert explains to the Board there is a lot of ledge there and the water doesn't go through ledge.

EM thinks it is out of line to ask for this waiver.

R. Gagnon states this is for the one house on Harpin Street with one house in the back.

P. Herr explains that he has the frontage with an approved subdivision. What would change would be in the runoff. It may be appropriate to have a small settling area so the water doesn't move at once. It would be appropriate to ask someone to do the arithmetic.

EM asks if the Board should do this because it would be creating a precedent. Other people will try to do the same thing.

AM believes they are doing this at the request of the DPW who doesn't want to see a road in there.

J. Reckert asks how the calculations are done.

A. Florentz explains they use topographics, soils, evaluate cover on the ground and estimate at different year storms to figure out what the runoff is now. If it increases, they try to hold back the difference.

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R. Gagnon states the front part goes to Harpin Street.

J. Reckert disagrees; it now goes to his foundation.

AM points out they either have to keep the original drainage or they have to come back.

R. Gagnon can't run a catch basin with no street. The big retention basin is complicated.

P. Herr states that it wouldn't work if they took away the road and it wouldn't make sense. The next time they come in, the drawing should show topography and the numbers to show the runoff and words regarding commitments relative to the roof drainage. It doesn't make sense to construct a road which is counterproductive and drainage which is counterproductive.

RL doesn't think this meets the rules for a backlot.

WW thinks the same thing will happen all over town.

EM asks if the town will have to maintain the road.

P. Herr responds only if Town Meeting approves the road.

RL thinks they are circumventing our own Rules and Regulations.

WW believes this will open a can of worms which won't stop. He can do the same thing with his own lot.

RL is not comfortable doing this.

EM reminds Board that this didn't meet the backlot criteria and the ZBA turned them down.

AM is going on the DPW's recommendation.

Discussion follows relative to ZBA decision which is being remanded.

RL would agree to waive the sidewalks.

WW states the applicant is here asking to waive the whole subdivision. Both he and RL agree they won't vote for it since they are asking to waive all the Rules and Regulations.

P. Herr states they could waive the sidewalks and the width of the road to 14'. There is no way the town would ever accept it. They could also waive construction of the cul-de-sac which would greatly reduce the impervious surface.

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EM disagrees, if a house goes in, the town will plow the street.

AM doesn't think they can have a covenant on this.

P. Herr states that they can - which would never petition the town for street acceptance.

WW thinks that having a 14' road which is just a driveway instead of the 10' is not right.

EM would like to hear from Town Counsel to see if they could waive the road.

R. Dill agrees with WW.

AM states they can still ask for the drainage to be addressed. She doesn't want to pass it around from Board to Board.

WW thinks they would be throwing the book out the door and setting a precedent.

R. Gagnon is all ready to put the road in.

J. Reckert thinks they should leave it the way it is and let them get on with their work.

R. Paullis indicates that the engineers who drew it up said it would work.

EM thinks that the DPW is looking at it from his point of view. We're looking at it from ours.

R. Gagnon could do the driveway and leave the retention.

AM feels they should address the drainage and the road.

R. Gagnon believes with one house or two, the runoff will be the same. If he wanted to put in one house, he could do what he wanted. He is not trying to get away with anything.

EM is not comfortable waiving without talking with Town Counsel. He wants to hear from Town Counsel to see if they can do it.

P. Herr discusses standards for one lot design which may be unreasonable for a number of lots. Some alternative interests may make sense because it doesn't serve the public interest. It would be a horrible precedent to think there will be a flood of people doing cul-de-sacs like this all over town.

EM thinks this is unique with the existing drainage problem on a hill.

P. Herr is hearing that the downhill neighbor would rather have a driveway and appropriate drainage

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rather than a road.

AM will ask Lee Ambler if the Board has the powers to waive it. Would it be a benefit to the Town and would it be legal?

P. Herr responds that the Board has the power to waive the Regulations according to the statute and the Regulations but whether or not it is reasonable to do it is another matter. Is it sustainable to waive all the construction requirements or is it unreasonable? Does it exceed the reasonable authority of the Board?

RL wants to ask if this would be setting a precedent with other similar cases where someone didn't get a waiver from the ZBA and came here.

P. Herr believes this will produce something which is physically unattractive and really unreasonable. He suggests a teardrop in the middle of the cul-de-sac.

EM refers to Beaver Brook Estates with a driveway which the Highway Dept. was sent in to plow out.

AM thinks that if it is part of the deed with the covenant, it can't be ignored.

R. Dill asks if the difference between an acceptable backlot and an unacceptable is Donald DiMartino saying he doesn't like the road.

EM moves to continue to October 10, 1996 at 9:00 p.m.

AM thinks they need to address the legalities first.

WW moves to close the public hearing. RL seconds. Vote 3 - 1 (WW, RL and EM to close and AM against).

R. Gagnon believes it will be more cost to the town. Will the town go in and plow the sidewalk? He asks to withdraw without prejudice.

RL moves to accept the withdrawal without prejudice. EM seconds. Vote of 4 (AM, WW, RL and EM). PC absent.

R. Gagnon explains that he can't get his loan until he gets his building permit and he can't get his building permit until he puts up the bond but the bond was coming out of the loan. He asks if he can receive the building permit so he can close and then he will put up the bond the same day. He is taking the bond out of the closing but the banks won't lend him money until he gets his building permit.

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AM suggests he use a bonding company and then replace it with the \$25,000 he gets from the closing.

WW agrees he could bridge with the bonding company.

Discussion follows whether or not a bond can be used instead of cash.

P. Herr indicates that Form E-1 or Form E-2 should be signed and filled out with the request for bond. He can use a surety bond but it must be dated beyond the performance period. He refers to Section 81(u) of the Subdivision Control Law which refers to forms of surety including property bond, deposit money, covenant and 3 party agreement. Methods vary by applicant. The statute is clear it allows the use of bonds. He will defer to the Town Treasurer as to what the proper bond is. If the developer hasn't done the work within the prescribed period of time, the bond goes to the town.

BROOKSIDE ESTATES DECISION ENDORSEMENT

AM abstains from the discussion.

EM notes that some applicants felt that Amory's fees were excessive. The Board decided to tell Denis to see if there were other people available. The Board has no problem with Amory.

A. Florentz notes in Amory's defense that they respond to inquiries sometimes without having much time.

P. Her refers to the Brookside decision and states that he didn't put in the fence because it is shown on the plan.

EM reviews the decision and points out that the reference to 24 months is not included.

P. Herr wondered if he should include it since the issue was just the drainage.

EM moves to sign the Brookside Estates Drainage Modification decision. RL seconds. Vote of 3 (WW, RL and EM). AM abstains and PC absent.

BRIEF DISCUSSION RE: NECC ENTRANCE

RL refers to the entrance at New England Country Club which he believes is hazardous. He almost had 2 accidents there. They put up a sign which says 2 way road. He asks if they still require the lower access to be built. The reason they went with the lower access was because they didn't have enough money to go over the brook.

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Clerk to check New England Country Club file to research access issue. Call Jackie Richard relative to Board of Selectmen minutes releasing access.

DISCUSSION RE: WELL#12

P. Herr indicates this has frontage on a subdivision road for Well #12 Definitive Subdivision which the Board is hearing at the next meeting. It doesn't meet the Subdivision Regulations. He asked Donald DiMartino if Mr. Hill understood he will have no frontage. He wanted to raise the caution.

WW asks why Mr. Hill can't lay a road to town specifications.

P. Herr points to a plan forwarded by D. DiMartino showing the current right of way which means access to the land to the lot next to Cliff Road. He doesn't know the relationship to where it is developed. He thinks they have to be careful and be fair to Mr. Hill. It doesn't say definitive plan but it is. If they annotate building lots as unbuildable, it is okay except for Mr. Hill's lot.

EM asks why they don't make the road wider.

P. Herr states they would be clarifying not buildable lots and clarifying not a public right of way. The book says the plan shows an illegal action. They are building a lot which doesn't have frontage. The people on Cliff Road agreed to this because there wasn't supposed to be a road there.

AM will discuss this with D. DiMartino before the next meeting.

GENERAL BUSINESS

WW advises that the Chestnut Hill insurance binder has expired and requests that Clerk phone B. Lord to request a current binder.

P. Herr prepared a memo relative to the Woodlands subdivision in Franklin which he sent to D. Fraine and Wolfgang Bauer. He suggests that the Board may want to send a letter to the Franklin ZBA. They will be creating a new intersection in Bellingham with a cul-de-sac just short of the town line. It will be necessary for the plan to be acted upon by the Planning Board. A note was forwarded from Bauer which said that the Town Council voted not to support this as a local initiative. There will be some action in Bellingham before they can have viable lots in Franklin. It doesn't meet the Planning Board Regulations. They should come to the Board of Selectmen and the Affordable Fair Housing to get standing. EOCD can waive and it will go to the ZBA. He talked with Jim Nash from the Franklin Planning Board who is adamantly opposed.

RL indicates that Garelick is opposed to it.

P. Herr suggests the Planning Board send a letter to the Franklin ZBA with his memo asking that

MINUTES OF PLANNING BOARD MEETING

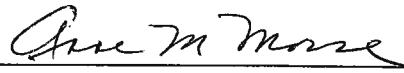
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they take it into consideration.

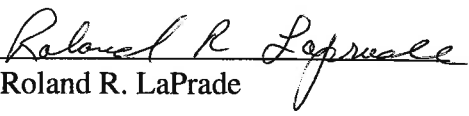
EM moves to send a letter to the Franklin ZBA with P. Herr's memo indicating that the Board asked the consultant to review the subdivision and the Board agrees with his opinion.

P. Herr comments he is very impressed with what Amory does. Relative to the speed of turnaround, he points out they are the last guy in line.

Meeting adjourned at 11:34 p.m.


Anne M. Morse, Chairman


William M. Wozniak, Vice Chairman


Roland R. LaPrade

Edward T. Moore


Paul Chupa