

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

OCTOBER 24, 1996

Meeting commenced at 7:04 p.m. All members except EM were present. Associate Member Richard Dill was not present. Planning Board consultant Philip B. Herr was in attendance.

P. Herr received a map of the town with all the property lines done by Donald DiMartino. The next step is to produce a colored one with the different land uses which really shows what's left.

AM thinks there is a lot of land left.

RL agrees, a lot of area hasn't been subdivided yet.

81-P SUBMISSION

Albert Florentz submits an 81-P, Form A for Summerlan, Inc. and explains the house burnt down on lot 7 which is the front lot. The applicant bought the back lot and joined it with 1. The leach field is on one. It is a dirt road. This is the same thing as on Rogers Street. They changed the name from First Street to Adams Street.

AM states it is a pre-existing nonconforming lot.

P. Herr asks if there are any new lot lines.

A. Florentz responds negatively. It is already in the same ownership. They are taking the line out. The question is whether they can build on it.

Clerk reads Lee Ambler, Esquire's letter, dated October 17, 1996 relative to First Street status. "The pertinent portion of the By-Law is Section 2530 dealing with isolated lots in which you indicate that a Zoning Bylaw that increases area or frontage requirements doesn't apply to the

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isolated lot which no longer meets those requirements provided that either the lot is protected by Section 6, Chapter 40A or the standards described in the letter and opinion given to you by Mr. Herr. As to that issue, the pertinent portion of Section 6 indicates that an increase in Zoning requirements shall not apply to a lot for single and two family residential use which had at least 5,000 square feet of area and 50 feet of frontage. Note that this is in the alternative to your A, B and C requirements described in Section 2530 which described additionally only single family dwellings and frontage. The frontage reference in Mr. Herr's correspondence deals with the front yard and not with frontage along the public way; frontage being 50 feet and front yard being 20 feet."

P. Herr indicates that the last part of Mr. Ambler's letter is wrong. The 20' comes from the statute. The real question is does the Planning Board think this provides adequate access to the site. If so, then it's okay. Is Adams Street paved?

A. Florentz responds negatively - that is why they are proposing to pave it 15'.

WW notes that Kathy Harvey said it is not a town accepted street.

P. Herr notes it is a way which was in existence when the town established the Subdivision Control Law.

Tom DeVitt, realtor, explains this property was owned by Gary Cummings who went to John Emidy and was told he didn't have to come to the Planning Board. He had the property perced and a septic design one year ago which is good for three years. Summerlan bought the land and went to the Building Inspector who issued a building permit within the last two months. The issue of having the road paved came from the DPW.

P. Herr points out that D. DiMartino said there is no way to provide service to that.

T. DeVitt indicates the road was never paved but the town does plow if the snow is over 4".

AM asks if the Board would be making it a legal lot by signing the 81-P.

P. Herr responds affirmatively.

AM asks if they will automatically get the building permit.

P. Herr responds they must have at least 20' of frontage or else it is a subdivision. They must abut a way with more than 20'. Is the way sufficient to allow adequate access for a house? Adequate means is it good enough for a fire truck and ambulance to get in. It is the Planning Board's call.

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AM asks if the house that was there was serviced.

P. Herr reiterates it was built prior to the rules.

RL thinks the Board would be setting a precedent like Roger Gagnon. This is a paper road.

AM indicates the Fredette's live there and states the town is servicing a home now.

T. DeVitt explains this only became an issue because D. DiMartino doesn't want to have any more gravel roads in town.

RL thinks that if it is approved it should become a paved way. He would want to see it paved before it is signed.

WW thinks it is only a driveway at 15'.

P. Herr refers to the Subdivision Regulations page 2-4, Section 252, Standards of Adequacy where it states "Ways providing access to the streets within a subdivision or providing access to lots said not to be within a subdivision shall normally be considered adequate only if there is assurance that prior to construction on any lots, access will be in compliance with the following: including 18' width and sight distance of 125'." He doesn't know where the 15' came from. This is the standard in the Subdivision Regulations. It is not enforceable if the town accepted the way. The Board could waive it.

T. DeVitt notes that Ledgemere, Fafard's property, abuts this.

AM thinks they are only talking about opening up one lot.

P. Herr asks if they do one lot, what will stop people from doing this with other lots?

AM asks if the 18' pavement is a problem.

P. Herr suggests Board contact D. DiMartino to find out what he thinks. He doesn't know if 15' or 18' would make him happy or would he need a water main.

PC notes that Silver Lake Road has water.

A. Florentz indicates the leach field had a water line but he doesn't know the size.

AM asks what happens to the drainage/curbing.

P. Herr explains this is a way 30' wide which was laid out before the rules. It was broken in

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separate ownership. The question is what does the Board think is reasonable.

RL thinks they should require things to be done. This is not a special permit so they can't put riders on it. He would like to hear from D. DiMartino.

T. DeVitt notes that the problem is the man who bought the lot has loans and is paying interest. The building permit was yanked and the issue is how to service the road. D. DiMartino wants a bond.

AM asks if there is a problem with doing the 18'.

P. Herr asks how they will get assurance that the pavement will happen. The Board could act now or wait two weeks to hear from D. DiMartino. What about the bond?

WW asks if there is already a foundation in.

T. DeVitt responds there was at one time but it burnt down.

WW doesn't see any difference between this and Rogers Street.

T. DeVitt agrees - it is exactly the same scenario.

P. Herr indicates the issue is less the signing of the plan than getting the Board to document they think the road is okay. What happens after the road is built and done?

AM asks how they will get a bond.

T. DeVitt responds that the builder is willing to do it. Right now he is making interest payments and was told he had to come before the Board. This is not a special permit. They feel there is adequate access. Town Counsel, Denis, and D. DiMartino are all in agreement.

P. Herr notes that another alternative is for them to pave it and then come back.

AM asks if they will pave it without structures and drainage.

RL thinks they will be putting in an 18' driveway. He would feel more comfortable if it is paved.

P. Herr doesn't know the condition of the road but D. DiMartino does. The Board should ask him if it would be okay with the paving.

PC has no qualms about building a house there. The question is will DiMartino take care of the road in the winter. He will go along with his wishes.

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P. Herr indicates that if the way is paved 18' wide and the drainage works, he doesn't see how the Board could turn it down.

RL would like to see it paved first.

WW notes they own half a road. Is that legal?

P. Herr believes the issue would come if they tried to block it. He doesn't think it would be an issue if they tried to improve it. He suggests the applicant withdraw and return at the next meeting with a letter from D. DiMartino that the construction issues have been sorted out. This is not a subdivision so the Board can't put conditions or require a bond. A note on the drawing would cover it. Will they build the road this fall?

T. DeVitt responds that is the builder's intent.

PC points out they will put in a road and then drive trucks over it for the construction.

T. DeVitt states the bond would be with the DPW. If the work didn't get done, the town could take the money to complete.

P. Herr believes the issue is the town's right to do that. He is confident Lee Ambler can work out a way they can assure it and adhere to the occupancy permit.

Suggestion for A. Florentz to find D. DiMartino at the All Boards Meeting taking place at the library right now. If he does, he can come back later tonight. DiMartino may be able to write down what he wants.

SUMMERLAN ESTATES

AM abstains from the discussion and removes herself from the room. WW takes over as Chairman.

A. Florentz changed the name of the owner of the property on the plan. He also revised the date and put a note on stating that it cannot be resubdivided for lot 2. The Board doesn't have to sign the plan tonight. They are here for the decision.

Members and P. Herr review the decision drafted by Clerk. Second page of the decision states that it should not be further divided without subdivision plan approval. L. Ambler doesn't like blank signature pages so they should probably keep that statement with the signature page. Clerk notes that Lee Ambler and P. Herr commented and corrections were made based on their comments.

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RL moves to approve the Summerlan Definitive Subdivision Certificate of Approval. PC seconds. Vote of 3 (WW, RL and PC). AM abstains and EM absent.

DPW WELL #12 DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING

AM rejoins the meeting.

Clerk notes that D. DiMartino requested the Board continue to the next meeting. He is awaiting word from Land Court as to whether or not the plan as signed could be recorded. RL moves to continue to November 21, 1996 at 7:30 p.m. PC seconds. Vote of 4 (AM, WW, RL And PC). EM absent.

PAVILION - DEAN COOPERATIVE BANK SITE PLAN REVIEW

Don Nielson, Guerriere & Halnon, came before the Board two months ago with a question relative to the parking and how it is working within the site. They did a survey of the property and all the existing parking and proposed changed entrance. He points out the Wrentham entrance and Pulaski single entrance. The northern part has the standard in and out. They want to resolve the problems with stacking. When the light is red, vehicles which want to go are stuck in the parking lot. They suggest widening the entrance 12 - 15' and creating a 16' wide aisle to enter the site with 2 12' aisles to exit the site so cars can turn right at will. Traffic will allow the vehicles to pass. The changed parking is shown in yellow (reduction of 6 spaces) which will allow for better access and curvature to enter the parking lot. According to the Zoning Bylaw, the site requires 60 spaces. They have 85 and want to drop 6 to 79. He points out the manhole entrance which was designed as a catch basin but was then converted to a manhole. The water ponds so they want to turn the manhole grate back into a catch basin which is actually at the low point of the driveway. The catch basin was shown on the original site plan. The proposed catch basin will be just before the entrance. Water is now flowing to the back at the low point and eventually flows to the catch basin resulting in an icing problem in the winter. They end up with 4" to 15" in the gutter.

Clerk reads letter from Donald DiMartino, dated October 10, 1996 wherein he states they are proposing modifications to the driveway entrance on Pulaski Blvd. and some minor modifications to the existing drainage system. His department does not feel that there are any problems with the proposed changes as they relate to public works issues. He notes that all work, including the adjustment of the drain manhole should be performed by the applicant. Any work on a town way or street must be performed under a street opening permit which would be issued from this office.

D. Nielson states that the parking lot as layed out is narrow. They have 18' parking spaces with 18 - 19' aisle in between with vertical parking in aisles 22-24'. The Zoning Bylaw requires a 20' strip between the parking and sideline of the road. They assume they need a variance from the

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ZBA or get a special permit from the Planning Board.

P. Herr indicates the Planning Board has the authority to waive the number of parking spaces but can't waive the 20'.

D. Nielson would like to get at least 5' which would make it 24' or more feet in the center. The sidewalk is 10' in the layout with 30' of grass. They will still end up with the 20' but it will not be the right dimension. They might have to move a small tree but other than that it stays the same.

RL refers to the Wrentham Street traffic. Who enforces the do not enter sign?

AM states it was part of the agreement for the other means of access.

Mr. Healey, Dean Bank, states the town approached them to make Wrentham Road an entrance only and they agreed.

RL notes there are constant violations. He lives on Wrentham Road and every time he goes by someone is coming out especially people who live in Woonsocket.

P. Herr believes this plan is an improvement. He has trouble remembering how the parking lot was built that way but the width of the parking aisle is too narrow.

D. Nielson refers to the concrete walk and 2' stone area, retaining wall, 2' of mulch and 17'-18' spaces. The 18-19' aisle is not enough. He can go back to the old plan but doesn't know what caused it.

AM believes the problem is with the trucks going in. If it was just vehicles it would be better.

PC believes this is an improvement.

RL moves to accept the revisions for the Crooks Corner Pavilion site plan with modifications to the exit/entrance and reduction in parking. WW seconds. Vote of 4 (AM, WW, RL and PC). EM absent.

AM asks if they have to come back here after the variance.

P. Herr responds affirmatively but they could mail it in. The issue is making the changes. The Building Inspector should be given a copy of the plan which will actually be built endorsed by the Planning Board.

D. Nielson might make the changes now and go to the ZBA in the spring.,

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P. Herr indicates there is no question the Board will approve it but they should come back.

AM thinks the Board should endorse their plan to the ZBA.

D. Nielson will send a plan to the Board when he is ready to go to ZBA.

LILYPAD AQUATIC CENTER - DEVELOPMENT PLAN REVIEW CONTINUED

E.K. Khalsa is in receipt of responses from Tom Sexton, Amory Engineers and P. Herr. He reads P. Herr's memo dated October 21, 1996 stating "Based upon the revised Lilypad drawings dated October 16, 1996 and Tom Sexton's letter of October 18, 1996, we see no need for further revisions or corrections, and no reason why the site plan should not be approved." He also reads letter from Thomas Sexton, Amory Engineers, dated October 18, 1996 wherein he states they are in receipt of plans for Lilypad Family Aquatic Center revised October 16, 1996 and a "Semi-Annual Inspection and Maintenance Plan at Lilypad Family Aquatic Center" dated October 14, 1996. He has reviewed the revisions which have been made in response to their comments, and recommends acceptance of the proposed drainage system with maintenance plan. Be advised that their recommendation is based on review of the submittals and no on site inspection or witnessing of test pit data. E.K. presents 3 copies of the plan and believes they have addressed everything. These are the most recent comments from T. Sexton and P. Herr.

PC moves to approve the Lilypad Aquatic Center Development Plan Review. RL seconds. Vote of 4 (AM, WW, RL and PC). EM absent. Members sign plan. Clerk to forward letter to Building Inspector with signed stamped plan with copy to applicant.

BROOKSIDE ESTATES MODIFICATION TO DRAINAGE PLAN ENDORSEMENT

AM abstains from the discussion and removes herself from the room. WW takes over as Chairman.

Clerk notifies Board members that we received certification from the Town Clerk that the 20 day appeal period passed as of October 18, 1996.

Albert Florentz presents plan for signature. RL moves to sign the Drainage Modification plan for Brookside Estates. PC seconds. Vote of 3 (WW, RL and PC).

GENERAL BUSINESS

Members sign invoice for Minuteman Press and reimbursement to Clerk for telephone expenses and supplies as well as pay voucher.

Clerk reads letter from Denis Fraine, Town Administrator, October 24, 1996, wherein he states

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the town is currently constructing 3 playing fields on property owned by the town located behind the high school football field on Blackstone Street. Much of the work is being done "in house" with a portion of the land clearing contracted out. They are awaiting the results of a \$100,000 DEP Urban Self-Help Grant which, if approved, will provide funding for the completion of the project. In order to access the property, a construction roadway has been cleared next to the library. It is likely this access will be utilized for permanent access at some future date. It is not anticipated that these fields will be in playable condition until the spring of 1998. Considering this project began in 1984 with the Army Corps of Engineers completing a portion of the site work, they are not establishing a firm completion date. Once they receive word on grant funding, they will have a budget to work with, he will be scheduling an appearance before the Planning Board for review.

Clerk reads letter from the Parsons Group representing Richard Hill in the sale of the Riverview Park Phase V property.

A. Florentz returns from the All Board's meeting where D. DiMartino had already left. He requests time on the Planning Board's next meeting. Return of 81-P for Adams Street scheduled for November 21, 1996 at 7:35 p.m.

CHARLES RIVER ENVIRONMENTAL IMPACT REPORT

P. Herr reviews the draft EIR and states this will be the most contentious project ever looked at by the Board. The Board may want to request additional copies of the EIR for each member. This is the best document you can get. Clerk to request 6 copies of the EIR from Sumner Schein. They are asking for 2 major waivers including impervious surface and parking. The groundwater recharge issue will be harder than Home Depot. The draft EIR is not easy reading.

James Caddick, FinCom Chairman, suggests obtaining extra copies of the EIR for town officials and leave one at the library. Citizens may want to look at it. He agrees there will be lots of contention.

P. Herr states they will be trying to drive a lot more traffic. Maybe the town has had enough. The Appendices is a computer print-out of the hydrographic studies and traffic. Maybe the Board should get one more appendices. The Draft EIR and Appendices should be filed with the Selectmen and Conservation Commission too. He reads from the circulation list which includes the Planning Board, Conservation Commission, Attorney Bruce Lord, Town Planner of Sturbridge and George Holmes of the Conservation Commission. These individuals wrote letters to the applicant and received copies separately. Clerk to obtain 10 copies of the Draft EIR and 2 copies of the Appendices to the Draft EIR. This represents the filing with the state. Action will take place around the draft. When it is over, they will issue the final EIR but they will probably have to do a supplement. One copy of the Draft EIR and Appendices to be sent to P. Herr directly.

DAIRY QUEEN DEVELOPMENT PLAN REVIEW

Clerk reads letter from Lee Ambler, Esquire, dated October 17, 1996, wherein he states that he agrees with the Board members with regard to the requirement for Development Plan Review predicated upon the condition described, to wit: "A new building containing 1,000 or more square feet gross floor area." It is clear that the building being constructed cannot be interpreted as an addition to the building, as the original building will be destroyed, and it is not an old building and therefore it is a new building by definition and is 1,000 or more square feet in gross floor area. Therefore, Development Plan Approval is required. It is not his understanding that the alteration to the parking facility which required Development Plan Approval is involved, in that according to the description contained, the change in the parking facility requirements is not such that there are fewer parking spaces than required by Section 3360 or that it requires four or more additional spaces. It would appear that fewer spaces are required, and that the number of spaces allocated are not fewer than those required by Section 3360. He notes that 3360 is an inappropriate reference and should be 3320. He suggests that the Board consider an amendment to Section 1421 in the future so that this error can be corrected. He further advises that in the event that a DPR were determined not to apply, then Section 1430, Site Plan Review would apply, and it would apply on the basis of: A. Any non-residential development increasing total floor area, or B. Any alteration to a parking facility serving a non-residential use and containing ten or more spaces. Under B there is an alteration to the parking facility, and it does serve a non-residential use and it does contain ten or more spaces.

P. Herr reviews the Bylaw mentioned by L. Ambler and pronounces that he agrees about the need for a correction: 3360 should be changed to read 3320.

WW notes that this was an incomplete submittal when the applicant came in the last time.

Chuck Samiotes, engineer, would like to acknowledge P. Herr's help because he responded in a timely fashion. They have added a number of items to the plans to make it in conformance with the Regulations. They added hay bales, soil erosion/sediment control, picked up trees which were not shown in the back (peach trees). They produced a landscaping plan which illustrates how it will work. He presents product data relative to the Washington Globe which they intend to use for the fixtures. Septic design was done by Guerriere & Halnon for the Board of Health and is illustrated on the plan. The dumpster is shown. There are 3 dumpsters on the existing plan but now it shows one. It is a timing issue. Pick ups will be during off peak hours in the morning. They will have 8 fixtures with a slight directional light which will penetrate and presents the lighting diagram. He shows the construction details including floor plan, storage, seating, drive through, where the ice cream is made. The elevation was shown before.

P. Herr notes there are a couple of remaining issues. There was a notation on the plan relative to directional lights. He couldn't tell what the drawing was before.

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C. Samiotes responds they don't have that on these. He reads from the product data sheet.

P. Herr is concerned because they are next to a house.

C. Samiotes indicates that the house is owned presently by the same family as the Dairy Queen.

P. Herr points out that the frontage on the street is not clear.

C. Samiotes responds it is 160' approximately with the arch length 109'. It is 160' for the property in the back. One dimension is missing.

P. Herr refers to the issue of whether it is a conforming lot with dimensional 109' and scales at 160'. He has been asking for that information for some time but does not think it is a real issue.

C. Samiotes identifies the actual length at 165'.75".

P. Herr states that should be on the plan. He thinks everything is in compliance. He asks how far the parking to the north side of the street goes with the right of way.

C. Samiotes responds it is 20.

P. Herr asks if that is to the edge of pavement or the street on the north side.

C. Samiotes responds it is to the edge of pavement.

P. Herr believes this is the same issue as the Pavilion which has to go get a variance. This is different from the Pavilion in that it is paved wall to wall. He refers to the case of Prospect Autobody where they were not making it worse. In this case, they are making it better since now there is contiguous bituminous all the way around. The reality is they have exactly the number of parking spaces which the seating requires inside unless the Planning Board waives the requirement for the number of parking spaces.

RL suggests moving the building back.

P. Herr indicates it is not the building. It is the parking. They could meet it if they slightly change the angle.

C. Samiotes has oversized spaces slightly. He had a tough time finding the dimensional requirements. P. Herr faxed him the requirements. They would prefer to have the space sizing which they have now.

PC would rather see adequate parking.

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WW asks the number of spaces now.

Ted Dimacopoulos, applicant, responds there are 39. They are adding the drive thru window to alleviate the parking.

C. Samiotes states one of the reason's why they have oversized travel lanes is to accommodate the one way to provide cuing.

P. Herr believes it can technically be argued as an improvement to the existing nonconformity and is acceptable.

WW thinks it is tight in the back corner with standing traffic waiting for the drive thru.

C. Samiotes notes it is 20'.

WW does not think that is wide with cars entering the drive thru and exiting the facility.

AM thinks 20' is pretty wide. She asks about a fence in the rear.

C. Samiotes will have a fence for the exterior storage which will come off the building.

WW asks about the sign.

P. Herr checked the area of the sign and decided that the band of lettering on the facade of the building is also a sign. Based on the drawing it just meets the requirements and complies with regard to the area.

RL asks about having a freestanding sign.

P. Herr responds that they definitely should not. They should not have more than 3 square feet of sign area per foot of space. They have to draw a rectangle to include the area of the sign. The sign will be 250 square feet plus the band which is 100'. There is not enough footage to have a freestanding sign.

RL asks if the applicant intends to go with a freestanding sign.

C. Samiotes explains they will use this sign now and come back if they want to change it later. The applicant is not sure what sign he wants.

P. Herr asks who the designer of the building is and if they are registered and licensed in Massachusetts.

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T. Dimacopoulos responds it is Dairy Queen in Minneapolis and yes they are registered architects in Massachusetts.

WW notes this does not fit with The Common.

P. Herr asks the function of the paved area between the building and the street.

C. Samiotes responds they may have exterior chairs so people can eat outside instead of coming in to get served.

AM notes that additional chairs means more parking. It would have to be figured into the parking now.

P. Herr indicates that the dumpsters are sitting on grass. Is that what they intend?

C. Samiotes will probably pave it. He can amend the plan to accommodate that.

P. Herr is concerned that if they end up with 3 dumpsters again, they may lose parking. There is no provision relative to the allowable amount of impervious surface on the lot. At least 20% of the lot must remain unpaved with some degree of vegetation. The parking and seating is exactly right.

WW asks about parking for outside seating.

C. Samiotes suggests a deed restriction which will allow employee parking at the house next door owned by the family so they could have outdoor seating.

T. Dimacopoulos plans to remodel the house, evict the tenant and use the house for his residence.

WW asks how many parking spaces they need for employees.

C. Samiotes responds at peak it is 6.

T. Dimacopoulos will enlarge the driveway of the house for the additional parking.

P. Herr points out there is no outside seating shown on this drawing. They can proceed with this or make revisions and come back.

C. Samiotes notes the applicant has an urgent need to start construction.

P. Herr states that if they intend to provide seating outside they must demonstrate they don't need as much parking.

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C. Samiotes asks if there are any questions about the sanitary sewer.

P. Herr is satisfied but the topography is wrong.

AM asks for audience input.

Tom DeVitt, realtor, from the audience, likes it.

James Caddick will like the drive thru.

RL prefers the building which is there now.

AM thinks it is neat and refers to another fast foot restaurant at The Common Man in New Hampshire which fits in.

P. Herr thinks a lot of people will think it is not neat.

RL thinks it would be important in the future for the town to have the tools not have something like this.

P. Herr notes there will be nice planting in the front which will be an improvement. The lighting proposed is a cousin to the lighting which will be on The Common.

RL likes the lites and thinks they should change the building to meet the lites.

P. Herr suggests they could approve with a condition that 1. The frontage dimension be shown on the drawing and 2. Pave the drawing under the dumpster. Applicant could revise the drawing, send to Planning Board and send to P. Herr for final review.

WW asks about a fence around the dumpster.

P. Herr reads from Section 3540 referring to an outdoor service storage area. It must be separate from the abutting street or residential use or zoned. He asks if they have a planting area around it.

C. Samiotes does not but can amend that.

Helen Dufresne from the audience asks how the traffic will be effected with the drive up window.

C. Samiotes responds that right now they have two entrances with two exits. Dairy Queen is an established business in town. This will not significantly increase the traffic flow.

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H. Dufresne thinks there will be more traffic with the drive up because people will be more apt to stop.

C. Samiotes believes they have the level of efficiency desired on their part. They are looking for more comfort to keep the patrons coming.

P. Herr states the Board can require them to do the best they can to manage the traffic but the Board doesn't have the authority to say there is too much traffic and can't approve.

C. Samiotes explains they will have a clean entrance which will go around and go out. People will know where to go in or out and there will be no conflict.

P. Herr agrees it is clearer where to go in.

C. Samiotes will show "Do not enter" signs.

J. Caddick thinks they should emphasize that even if there is more traffic flow, it is an improved situation with only one egress in and out.

T. Dimacopoulos can propose a fence for the dumpster if the Board wants.

P. Herr suggests they look at Section 3540. They should screen it from the house.

WW states that it will not be too appealing to cars waiting in line at the drive thru to look at the dumpster.

RL notes there will be cars sitting at the drive thru and spot lites on the house.

T. DeVitt points out that the speaker box will be at the back of the building, away from where the house sits.

AM believes that would be the applicant's problem when he wants to sell the house.

C. Samiotes explains this business has been handed off to generations in the family. The family is not making this investment to sell the property off. Even if it ever changes, it won't stay residential.

T. Dimacopoulos doesn't plan on leaving it residential for much longer.

C. Samiotes notes they have many options. They are anticipating coming back with a deed restriction for the parking. They are not going to sell it because it is more profitable to have the seats.

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AM indicates that if the use changes down the line and the house changes to a business, they can't use double parking.

C. Samiotes states they are planning to deed it as one property eventually.

WW moves to approve the Dairy Queen DPR with modifications which must be made to the plan including: 1. Pavement under the dumpster shown, 2. Screening and 3. Frontage dimension shown.

AM wants to make sure it is understood there will be no outside seating on the decision. PC seconds. Vote of 4 (AM, WW, RL and PC). EM absent.

Revised plan to be sent to P. Herr who will review and okay. Revised plan to also be sent to Planning Board with 4 copies. Clerk to send letter to Building Inspector upon verification from P. Herr that the plan is satisfactorily complete.

T. Dimacopoulos will return with a check for \$50.00 in a few minutes.

GENERAL AND DISCUSSION RE: FEES

Discussion follows relative to The Common Man in New Hampshire, McDonald's and the DQ sign.

WW moves to change the November and December meetings to one meeting each month on November 21, 1996 and December 19, 1996 due to the holiday season. RL seconds. Vote of 4 (AM, WW, RL and PC). EM absent.

Clerk to contact Department of Housing and Community Development to obtain 5 more copies of the Subdivision Control Law Overview which was forwarded from them for each member and P. Herr.

Mrs. Dimacopoulos returns with \$50 DQ fee.

P. Herr points out that one issue is if the fee has a reasonable basis which works better than what we have. They should look at the whole fee schedule and determine if they are returning enough to cover the costs. They should look at the fees collected. Clerk notes that information is contained in the Annual Report of which he has a copy. He notes that communities fees are going up.

AM thinks a flat fee would be less complicated.

P. Herr refers to ANR plans which are \$10.00. He has collected information previously from

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other communities. He will check around and see if someone else has collected that information more recently. Lilypad was an expensive review process. Crossroads is ten times bigger and requires two or three times the amount of work. He refers to the Master Plan enterprise which is a well written description of the history of the evolution of the town in terms of development and the way it changes. The number of complicated plans is hugely increasing. They have to depend more on documents and professional review which pushes the costs up. He is not concerned about the Deer Run litigation. The Board should be careful about fees if they are not adequately covering what it cost for the reviews. They should also look at submittal requirements. The Board could have the authority to waive submittal requirements when they don't make sense.

RL refers to the playing fields which D. Fraine wrote to the Board about. He had a discussion with D. Fraine about it. Why didn't the Town Common have to get a site plan review?

AM thought it was municipal so was exempt like the Post Office.

P. Herr states the Post Office is federal and they are exempt. The Fire Department should have come in too.

RL would like the issue clarified.

P. Herr thinks that everyone forgets about coming for review. There is nothing which exempts the town from its own Regulations including Site Plan Review. The Town Charter states that building proposals will be brought to the Planning Board.

RL refers to The Coachmen Restaurant whose owner was told he didn't have to come to the Planning Board by the previous Building Inspector. He told the owner he would have been better off going through the process. He had plenty of parking.

P. Herr agrees there is a mandatory referral in the Town Charter.

RL notes there are no penalties or fines if they don't obey it.

Discussion follows RE: multifunction machine Clerk would like to purchase for Planning Board work. She shows members the Staples catalog which has a number of all in one machines including printing, scanning, faxing, copying. Clerk is on her second printer since starting this job. Members agree that Clerk should not be using her own equipment for Planning Board work. P. Herr notes that the scanners on multifunction machines are not supposed to be too good. Members agree that Clerk can select machine. Rather than paying for it and getting reimbursed, Clerk to contact Accounting Office to see if it can be purchased by the town with the tax exemption and the town may obtain a discount.

RL moves to accept the minutes of September 26, 1996 at which meeting PC was absent. WW

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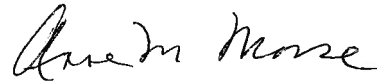
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seconds. Vote of 3 (AM, WW and RL). PC was absent from that meeting and EM is absent now.

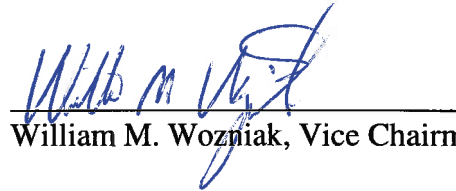
There will be two meetings of the Master Plan this week. The meeting with the housing folks is in agreement. The Town Center will close the scheme.

RL asks if the Board in entirety should attend the October 28, 1996 meeting. P. Herr responds the Board's representative should attend.

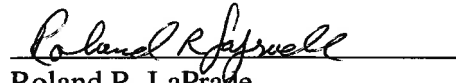
Meeting adjourned at 10:05 p.m.



Anne M. Morse, Chairman



William M. Wozniak, Vice Chairman



Roland R. LaPrade

Edward T. Moore



Paul Chupa