

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

MARCH 13, 1997

Meeting commenced at 7:10 p.m. All members were present. Associate Member Richard Dill was absent.

DISCUSSION WITH TIM JONES RE: MOVING HOUSE AT DEER RUN ESTATES

Tim Jones, developer of Deer Run Estates talked with Building Inspector Stu LeClaire about the house at 130 Pine Grove Rd. he has to move onto lot 1. Stu asked him to make sure it was okay with the Planning Board.

AM only sees a problem if he needs an occupancy permit. The house needs to be rewired.

EM believes it is the Building Inspector's call on moving a house.

T. Jones explains the Building Inspector wanted the Planning Board to be aware of the move.

AM indicates he needs a building permit for a foundation. She agrees a building permit can be issued but until the bond is posted there will be no occupancy permit given.

T. Jones intends to put a model home in on the corner and will use the 2 car garage for an office. When D. DiMartino comes back, he will come in for the bond. He already went in for a pre-construction meeting. He can't do Pine Grove until April 1, 1997 but D. DiMartino gave him permission to do the road. He will start at the Pine Grove end which is 20' wide. He will move the Taylor house.

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WESTON ESTATES PRELIMINARY SUBMISSION

Bruce Lord, Esquire, submits an application and plans for Weston Estates preliminary subdivision which Clerk schedules for April 10, 1997 at 7:15 p.m. Clerk to provide P. Herr with a copy of the plan at the next meeting of March 27, 1997. Bruce Lord also provides a copy of the certified abutters list with labels for the Maplebrook Commons special permits and definitive subdivision.

Members sign Clerk's pay voucher.

OLD COLONIAL PLACE

Clerk reads letter from Edward Broidy, applicant, dated March 12, 1997 wherein he requests a continuance until March 27, 1997 which delay is necessary for additional work that needs to be done on the plans for the site.

WW moves to continue to March 27, 1997 at 9:15 p.m. RL seconds. Unanimous vote of 5.

Clerk to send Mr. Broidy copies of correspondence from Deputy Fire Chief Guerin and DPW Director Donald DiMartino so he can prepare responses. Clerk to send Mr. Broidy, as requested, copies of excerpts of the January 23 and February 13 minutes once they are accepted by the Board.

MINUTES ACCEPTANCE AND GENERAL BUSINESS

RL moves to accept the minutes of January 23, 1997. EM seconds. Unanimous vote of 5.

Clerk reads letter from Denis Fraine, dated March 3, 1997 requesting Planning Board representation on the Affordable/Fair Housing Committee for which WW agrees to be the Planning Board representative. Clerk to notify D. Fraine in writing.

Clerk reads memo from DPW Director Donald DiMartino, dated February 24, 1997, wherein he states he has observed what appears to be perk test wells on parcel 39, map 63. This parcel has a large amount of frontage and could be subdivided using the 81-P process. There are some drainage problems in North Street. It appears the best solution to the problem would be to connect a catch basin system to the streams and brooks on the parcel. If this property is to be subdivided the town would like to obtain a 20' wide drainage easement to correct the drainage problems. He asks to be kept informed of any actions submitted on this parcel.

Clerk explains problems with recording Brookside Estates Covenant. The plan was inadvertently signed by the Planning Board without the restriction relative to a covenant on the plan. The next day, applicant's engineer agreed to include the covenant restriction on the plan. A covenant was never forwarded to the Board. After repeated calls to developer, an original covenant was finally

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forwarded. Clerk returned the original to developer since we need a copy of the recorded covenant. Developer's son called to say the Registry of Deeds would not accept the covenant. Clerk phoned the Registry who said that the plan should not have been recorded without the covenant and if it was there would be a problem. A. Florentz, developer's engineer, from the audience will take the covenant and contact developer to find out what happened to the mylar plan. It may not have been recorded either.

Discussion RE: Master Plan articles which are coming to the Planning Board. RL understood they were on the April 10, 1997 agenda but Clerk hasn't received any paperwork from Guy Fleurette.

Board received application and plans relative to the Charles River Center gravel removal permit currently before the ZBA. Clerk to give plans to P. Herr for his consideration.

Clerk to call FinCom to reschedule hearing dates since rezoning articles which they have scheduled will not be held until April 24, 1997. Also, other articles were not included on the list they sent to AM.

RL moves to accept the February 13, 1997 minutes. PC seconds. Unanimous vote of 5.

EM moves to accept the December 19, 1997 minutes. WW seconds. Vote of 4 (AM, WW, EM and PC). RL absent from that meeting.

Board received notification from Town Treasurer that a passbook saving account number 02-018703 in the amount of \$29,336.74 has been set up in the names of Town of Bellingham and William P. Eagan, Jr., for the Hixon Farm Estates subdivision.

PINECREST AMENDED DEFINITIVE SUBDIVISION CONTINUED HEARING

Clerk reads March 11, 1997 letter from DPW Director Donald DiMartino wherein he states he has received the decision of the Planning Board, Approval of a Revised Definitive Subdivision plan and the Introduction to the Addendum to Drainage Calculations for Pinecrest Subdivision that he received a few weeks ago. He heartily agrees with the decision as it addresses the concerns that he had from the beginning with this subdivision plan. His only concern is that the Board get some type of confirmation of the Registry of Deeds recording of the restrictions that are placed on the lots by the Decision. He did not do any in depth analysis of the calculations submitted in the Addendum. He defers any comments of the site drainage calculations to the Board's consultants. The Addendum does address the existence of a paved driveway. It indicates the run off from the paved surface will be minimal - requiring that only a 10 foot wide infiltration trench be constructed along the easterly boundary of Lot 1 and that the buildings room drains are piped to subsurface drains. The professional stamp of Mr. Paul Gadoury, a professional engineer appears on the Addendum so it is safe to assume Mr. Gadoury would not risk his license by

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submitting false calculations.

Clerk reads letter from Town Counsel, Lee Ambler, Esquire, to Attorney Kathleen Windsor (applicant's attorney) dated March 13, 1997 wherein he states there should be 3 conditions in the decision of the Board including the approval of the mortgagees of record relative to existing conveyances. Subject to an understanding that the plan make reference to the specifics of the Approval, and that the Approval is subject to those 3 conditions, his office would have no objections to a signing of same, subject to the Board's holding in escrow, and the Petitioner assenting to the escrow pending full compliance. The assent should include references to the sums being held by the Town, and a statement that the funds may be expended by the Town for their original purpose in the event that compliance has not been achieved on or before a date mutually agreeable to both parties. These issues must be resolved between the Petitioner and the Board.

Roger Gagnon, applicant, agrees they don't release funds until the buffer strip is done.

RL notes it still hasn't addressed whether or not it sets a precedent. He suggests they go back to the ZBA.

AM states the applicant can't resubmit until 2 years have passed.

WW asks how they can do this with a house which is already recorded. The bank bought a house on a road in a subdivision which is changing.

AM believes it will still be on record as a subdivision.

Clerk spoke with Town Counsel today who said they did not meet the 3rd condition. He said that if the Board wanted, they could sign the decision and plan and hold them until the 3 conditions are met but he would wait until the conditions are met before signing.

PC agrees that nothing should be released until they meet the 3 conditions.

EM reads his comments from the December 19, 1997 meeting where he said that if they could prove that it was better for the neighborhood and the town, and they were not setting a precedent, he would be agreeable. They proved it could be built. Why should it be allowed since it is a benefit to the town to waive the requirements? It should be worked out between the applicant's attorney and Town Counsel.

Clerk reads faxed letter to Mr. Gagnon from his attorney, Kathleen Winsor, dated March 13, 1997 and enclosing a decision in which she states the only difference between this decision and the previous one is that she added a 3rd condition that the mortgagees consent and has added Mr. Gagnon's assent to the fact that the Town is holding funds in escrow and that they will hold this

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decision in escrow until the 3 conditions are completed. The amount of funds that the town is already holding needs to be completed. It could take awhile to obtain the mortgagees' approval - 6 to 8 weeks. She also included covenant to be signed by Mr. Gagnon, owners of lots 1 and 2 and the mortgagees for both lots and a release for the Planning Board to keep on file. Date and recording information of covenant will have to be completed once signatures are obtained and covenant is recorded. Also included are letters from Attorney Ambler to her and letters from her to Attorney Ambler. Clerk also reads decision, entitled Approval of a Revised Definitive Subdivision Plan Pinecrest.

WW was forced to put \$8,000 in an escrow account when he did his lot so it didn't show precedence.

RL states granting a frontage variance is not our job. All that D. DiMartino complained about happened because the ZBA didn't approve this.

EM states the decision is okay with him but he doesn't think the bank will sign it. If the bank doesn't sign it, Mr. Gagnon will have to come back and put the road in.

PC moves to continue to May 8, 1997 at 7:15 p.m. with approval for applicant's request for extension to May 15, 1997.

EM opens the Spring Meadow Definitive Subdivision continued public hearing and continues until 8:50 p.m. tonight. WW seconds. Unanimous vote of 5.

BAINBRIDGE WOODS PRELIMINARY SUBDIVISION

Joseph Giovinazzo, GCG Associates, Project Engineer introduces Paul DeSimone from Francis DeSimone & Sons, Project Manager for the subdivision and owner, Edward Gately. Property located off Pine Street adjacent to the Bellingham/Franklin town line. He points to the overall map of the entire subdivision. The locus map shows 495/Hartford Ave. He shows the overall topo sheet and lot configuration. This is a 15 acre parcel zoned suburban with 40,000 square foot lots with 150' of frontage for 8 lots and access from Pine Street. They propose a 900' roadway and a proposed roadway of 20' pavement with sidewalk on both sides from the wetlands crossing up. There will be one sidewalk on lot 1 where it crosses the brook. He thinks they only need one sidewalk but the applicant likes it with two. The roadway slope is 1.5% to 2.5%. It is steeper from Pine Street from the north and less sloping going back. There is a 200' wide crossing with large wetlands. They propose a retaining wall on each side to make the crossing. They will control the drainage and the topography. Elevation is at 202 at the highest point and is lower at the wetlands crossing at 190. There is north to south draining to the wetlands area. They propose a conventional water system with an 8" water main off that. The water main will continue along the roadway with standard water service. They will have an 8" gravity sewer which will start at

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lot 1. The sewer manholes flow by gravity and will tie into the existing sewer easement. There is currently a moratorium so they plan to use subsurface disposal systems. The design of the definitive will include the conventional sewer if the moratorium is lifted. The sewer crosses in Franklin.

Edward Gately, applicant and property owner, talked with D. DiMartino who said there was no flow available.

J. Giovinazzo indicates the conventional drainage meets the Regulations and will network to 12" to 15" drain lines and connect to an 18" discharge pipe at the detention basin which allows them to detain the water in a convenient spot and allow it to drain. There is a large wetland area to the front of the site which is well defined.

EM asks if they are claiming limited access in order to cross the wetlands.

J. Giovinazzo notes the only way to access the back is to cross the large wetland area for which they selected the narrowest point. They will do an Order of Conditions with the Conservation Commission and will demonstrate they are going to use hay bales and silt fence to avoid infiltration to the wet area. They will ask the Planning Board to modify the roadway and eliminate the grass strip on one side of the sidewalk since the Conservation Commission wants minimal impact to the wetlands. They will limit impact to 30 rather than 40. They propose 20' pavement with 5' of sidewalk on one side and a 5' grass strip on the other side. They will have a retaining wall and will still provide conventional right of way for 40'. This is going to be a lane. He asks about the Board considering a sidewalk on one side at the wetland area and 2 sidewalks for the remaining area. Pine Street to the crossing will have one sidewalk.

WW asks about the height of the walls.

E. Gately responds it will be 8'. One wall will be on Fred Sullivan's lot, who is his father-in-law. Jean Gately who is also an abutter is his mother.

Clerk received a phone call from Donald King, abutter, asking what was going on with the lot across from him.

E. Gately has cleaned out the lot which is now shown as part of the subdivision (lot 1) but there is nothing built on it.

EM has safety concerns about the 8' high wall. What happens if they move it further to the left?

E. Gately replies that would make the crossing greater. They found the narrowest channel to get across. The parcel came with a 32' roadway across the wetlands which was deeded since 1860.

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P. DeSimone notes the Conservation Commission walked the site and agreed to the area replication but they are waiting for their comments.

Clerk reads comments from P. Herr relayed during a telephone conversation today when he stated that Mr. Gately said he talked with the ConCom and they had no problem with what he is doing. There is a big wetlands crossing in excess of 5,000 square feet which is the normal maximum allowed but that is not the Planning Board's concern. The Preliminary storm drainage system needs a better explanation. The street plan and profile he has doesn't show what the detention basin looks like for lot 8 which is a huge lot and there is not a lot of upland. How will they accommodate the detention basin? Mr. Gately indicated he wanted to make this a cemetery but it didn't meet the health regulations. There is no environmental analysis but this is a small project tangled with wetlands so he doesn't think there is a need for one since he is assuming the ConCom will be scrutinizing the project.

Deputy Fire Chief Guerin would like to see a fire hydrant in the middle of the development and at the entrance.

J. Giovinazzo agrees it will be shown.

RL asks the length of the road.

J. Giovinazzo responds it is 950'. He will put a hydrant at the end, one in the middle and one at the entrance. They will be not more than 500' apart.

EM moves to approve the Bainbridge Woods Preliminary Subdivision. PC seconds. Unanimous vote of 5. His motion is to approve the preliminary in concept but he doesn't like the walls and suggests they have more of a dip to lower the wall.

P. DeSimone can sink posts on top of the walls. He will look at the grades.

E. Gately wants to use aluminum that looks like cast iron.

EM notes there is a Bylaw on grade but the Board may be able to waive it.

P. DeSimone would still want the drainage to go down. They are considering making the wall as low as possible.

J. Giovinazzi could modify the cross section to make it greater than the slope.

EM doesn't know about waiving the grass strip. The Board just received a letter from the DPW saying they want to keep it in. It gives people a safer distance with a road, strip and a sidewalk.

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SPRING MEADOW DEFINITIVE SUBDIVISION CONTINUED

Clerk reads letter from Thomas Sexton, Amory Engineers, dated March 13, 1997 stating that he reviewed the revised definitive plan dated March 10, 1997 which was received March 11 and 12, 1997 and supplemental drainage calculations. Although some minor plan revisions are still necessary, he does not find any problems with the drainage design which would require continuance of the public hearing.

Clerk reads comments provided by P. Herr today over the telephone. He wondered if he reviewed the correct plan. He received a plan February 19, 1997 with a December 31, 1996 revision date. This is a small cul de sac off Locust St. off Pulaski Blvd. From the Planning Board's point of view there is not alot which is a matter of concern. He has never seen the drainage calculations or the perimeter plan. Lot 8 has a mechanical issue on how it is shown. He worries about a lot of wetlands on lot 3 and the detention basin and where they will put the house but that is their problem. He worries about the storm drainage system. Lot 7 has a nonbuildable 6500 square foot area which separates the adjacent lot. If it stays that way, no one will be responsible for it. He would hope the developer would convey it to the neighbor. What is the future of lot 7? It will be a weed patch if no one owns it.

Greg Rondeau, developer, explains he intends to deed lot 8 to the Conservation Commission. Relative to the 6500 square feet, he could deed it to the people who buy the lot and leave it in the subdivision or he could deed it to the neighbors (Bonasara).

EM would like to see a note on the plan that the parcel will be deeded.

RL doesn't think there are any issues.

G. Rondeau changed the plan for the wetland crossing at lot 3. The hill drops down. He changed the lot lines to cross the wetlands, put a driveway in and reconformed the corner. It is all uphill so they will put a house in the corner.

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

EM notes there are no waivers or conditions.

G. Rondeau refers to minor details which must be worked out with Amory relative to iron grates which will keep the silt and weeds out of the detention basin.

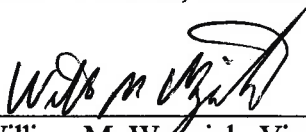
EM moves to ask P. Herr to draft an approval for review and to sign at the next meeting. RL seconds. Unanimous vote of 5. If he is going to deed the property, he may want to put that on the plan.

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Meeting adjourned at 9:30 p.m.

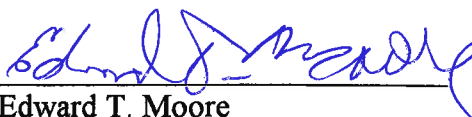
Anne M. Morse, Chairman



William M. Wozniak, Vice Chairman



Roland R. LaPrade



Edward T. Moore



Paul Chupa