

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

JUNE 26, 1997

Meeting commenced at 7:04 p.m. All members were present. Planning Board consultant Philip B. Herr was also present.

81-P SUBMISSION

Andrew Zelmeyer, Esquire, submits an 81-P, Approval Not Required Plan for the Charles River Center. Because they shifted the driveway to align with the Stallbrook driveway, they entered into negotiations with Fafard for his land. This is the result of shifting the driveway and modifying the existing entrance. There is an easement between the town, Stallbrook, Varney and Fafard. Fafard is allowing them to access through his land and align the driveway. In exchange they are giving Fafard Parcel B and Parcel F (which will be conveyed to the town for road widening) and Parcel D.

EM understands that Parcel F is to be conveyed to the town for the road but it says something different on the plan.

A. Zelmeyer explains it is to be conveyed to Fafard. Note #9 says it is to be conveyed from Fafard to the town. They will record both sheets 2 of 2. They are submitting the signed plan for review.

P. Herr states the only question is whether or not this shows a subdivision. He thinks the Board can endorse this since Parcel D either way has frontage.

EM notes there is a notation on the plan which says it is not a subdivision.

P. Herr indicates there is a physical difference than the last one the Board saw.

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EM moves to endorse 81-P for Charles River Center. AM seconds. Unanimous vote of 5. \$60.00 fee paid (\$10.00 for each lot).

ELM ESTATES DRAINAGE - BRIEF DISCUSSION

Roger Gagnon, developer, states the first part is all done and landscaped. The second part will be done by next week.

None of the residents of Elm Estates are present at this time. Resident Joe Kauker joined the meeting after the Pinecrest discussion. Mr. Gagnon assured him that Phil Vadenais will complete the work next week.

PINECREST REVISED DEFINITIVE SUBDIVISION DECISION

AM spoke with Lee Ambler who is holding a signed covenant until the release is signed

WW hasn't seen calculations to say they don't need the detention pond.

EM moves to grant the waiver. PC seconds.

EM can't see putting in a street for one house.

RL is not approving this or signing the decision.

EM moves to waive the requirements for building a street. He cites the uniqueness of the plan and recommendation from the DPW and it benefits the neighborhood to not have a retention pond. He can't see putting in the road for one house.

WW comments that maybe they should have only built one house. The frontage is on a paper street. The purpose of the Rules and Regulations was to get away with a paper street. Vote 3 - 2, (EM, AM and PC for and WW, RL against) to approve the revised plan dated February 20, 1997.

Board cannot sign plan or endorse the lot release until the 20 day appeal period has passed. Decision to be filed with the Town Clerk on 6/27/97. Mr. Gagnon to return at the July 17, 1997 meeting since the appeal period would have passed by then.

HERITAGE PINES DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING

EM abstains and removes himself from the hearing room.

Bruce Lord, Esquire, explains this is a plan for a subdivision from 1968 which was actually

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approved. The Board has two sets of correspondence including the Amory letter which was received today. They prepared a Gap Acceptance Analysis which was done by Gillon Associates, Norwood which analysis indicates a reasonable gap. The front entranceway has two landowners on either side. They have two plans, one of which slopes out to the driveway and the other doesn't. It interferes with the backyard so the concrete wall was removed. The sewer line will be brought up to access the properties. He received a copy of the letter presented by the residents asking for an Environmental Impact Report. They are not avoiding any Conservation Commission issues. Their next step is to submit a Request for Determination. The Conservation Commission will issue an Order of Conditions or order them to take further steps. They will establish where the drainage is before they get to that step. Traffic analysis with the Safety Officer showed there was no traffic hazard other than the normal street traffic going out. They will submit the final plan to P. Herr with all the changes.

Clerk reads letter from Town Counsel, Lee Ambler, Esquire, dated June 18, 1997 wherein he states that relative to the Board's request for an opinion as to whether or not a duplex is considered a one dwelling unit or two, it is the opinion of his office that a dwelling unit for two families is in fact two dwelling units. It is therefore probable that the Developer could build duplexes on the lots but with the facts presented only on two lots and therefore there would be 8 lots containing single family houses, two lots with duplexes or 2 family houses that would make a total of 12 dwelling units. Relative to the Board's rights to require that the applicant only build single family homes in this development, this requirement is not consistent with the zoning regulations which in Section 2600 indicates that 2 family dwellings in a residential area only require 40,000 square foot lots and were it not for your Section 4231 and the nature of his particular construction on each one of these units we basically are permitting the construction of 2 family houses. The difficulty may be in the lot size as you can understand that a single family residence may be on a 20,000 square foot lot and therefore 2 single family residences may be on 2 20,000 square foot lots totaling 40,000 square feet the same as one 2 family dwelling or duplex. There are no rooms to go outside the scope of zoning as this is not a request for a special permit which gives the Board room to exercise some additional judgment but simply a subdivision plan which the Board either approves or disapproves subject to its meeting the Town's requirement.

P. Herr asks if the applicant is willing to stipulate the lots will be restricted to a single family dwelling.

B. Lord notes that what Mr. Herr is asking is outside of the scope of zoning but since they are asking for a waiver regarding the street, they would be willing to grant that if the Board is willing to grant their waiver. The gap acceptance analysis which was done was predicated on a single family development. The EIR was for single family development.

Clerk reads memo from Walter Amory to Denis Fraine, Town Administrator, dated June 26, 1997, wherein he finds the drainage system proposed for Heritage Pines to be generally acceptable but notes the following: 1. A reinforced concrete weir should be shown as part of the

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detention basin sediment-trap outlet-weir. Weir construction should also include a 12 in. depth of riprap on top of 5 in. of crushed stone. 2. The Detention Basin note on sheet 12 should be revised to read: If during construction of detention basin or sedimentation basin any indication of seasonal high groundwater is encountered within 2 feet of the bottom of the basin, an interceptor trench will be constructed to intercept groundwater to maintain a 2 foot separation. 3. He understands that negotiations with abutting property owners are underway to allow construction of swales instead of roadway retaining walls. 4. As noted in his May 12, 1997 letter, Lot 5 is pretty small to accommodate a house, detention basin and sediment trap.

B. Lord indicates the wall will not be there but it is a matter of which way the neighbor wants the slope. The remainder in Mr. Amory's letter can be taken care of.

Clerk reads cover letter from John Gillon, Gillon Associates, dated June 26, 1997, relative to the adequacy of S. Main Street traffic to accommodate traffic associated with the Heritage Pines Subdivision. A gap survey was conducted during both the morning and evening peak hour on S. Main St. at Harper Blvd on Tuesday, June 24. A vehicle making a left hand turn out of a driveway or minor street needs 6 seconds to complete this maneuver safely on a 2 way 2 lane street. Therefore, only gaps in the 2 way traffic lasting longer than 6 seconds were recorded. During the morning peak hour, there were 105 gaps able to accommodate new traffic. 25 of these gaps were in excess of 15 seconds with more than adequate time to back out of a driveway if necessary. In the evening peak hour there were 75 gaps able to accommodate new traffic with 23 gaps in excess of 15 seconds. The Heritage Pines 10 lot subdivision is expected to generate 9 outbound trips during the morning peak hour and 5 outbound trips during the evening hour. Since all gaps in excess of 15 seconds can easily accommodate more than 1 new trip, it is clear this subdivision can safely be accommodated and S. Main St. will continue to provide reserve capacity for additional trips by existing abutters. He also reviewed the slight offset alignment of the new access roadway with Harper Blvd. Ordinarily intersecting streets are either aligned opposite each other or are offset by 150' or more. This is done to ensure left turning traffic out of the minor streets see each other if opposite each other, or do not accept the same gap in traffic if offset. Practically, the slight offset proposed here will not affect the functionality of this maneuver. In essence, left turning traffic from both side streets will acknowledge each other and the gap decision will not be different than streets directly opposite each other. There would have been a problem if the streets were 75 to 100 feet apart.

P. Herr suggests they go through the letter sent to the Board from the abutters. The alignment regarding the nonalignment of the street is correct. The number of vehicles which connect across the street is minutely small. Re: concern the driver will be confused about what is happening and this impedes his ability to do that is not as serious if it further displaces the site distance more. RE: the requirement for the Environmental Impact Report, B. Lord says they will do it at the Conservation Commission. The Board asks for one at 25 or 26 houses. They submitted one without the Board asking for it and is in fact done. He would like to go through the letter which was sent by the abutters. He questions where it says that the subdivision plans weren't available.

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Kenneth Briggs, abutter, acknowledges the plans were available. At this time he has the whole set of plans and his engineer is reviewing them.

P. Herr states to his knowledge the plan was approved for this site and none were disapproved. The abutters are asking for a 30 day delay to have the EIR prepared. An EIR has already been prepared but he doesn't know if it is available.

B. Lord indicates it can be reviewed in the Town Clerk's office.

P. Herr believes it is complete in his view. He refers to page 2, paragraph 2 where it says the Planning Board will insist on construction 100' from the edge of the wetlands. That is not the Planning Board's job and they can't impose that. The Conservation Commission has jurisdiction over how the development is within the 100' wetlands. If the Conservation Commission believes it is appropriate they can impose that as a condition. They may change the lot lines. He doesn't think the Planning Board can do that. It is beyond the Planning Board's jurisdiction. The issue of 2 family dwellings will be layed to rest with the condition. The area is for storm water detention not retention as stated in the letter.

Don Nielson, Guerriere & Halnon, engineer, notes there is a 6" sump in the detention pond. As part of the storm water management, they completed the storm water management policy program. They have individual infiltration systems in each home for purposes of clean water. Roof drains into the ground.

P. Herr indicates this is connected to the existing sewerage.

D. Nielson notes it is sewer to 2+00.

P. Herr refers to concern about the excavation through the wetlands.

B. Lord states they will go through the Conservation Commission.

D. Nielson explains that during the applicability with the Conservation Commission, they had to pick a route for the sewer to go through a series of wetlands based on tree removal which was the least detrimental to the wetlands. The Conservation Commission determined the best route for the sewer to go and that is why there are so many angles.

P. Herr refers to the traffic concern and request for traffic lites at both intersections. They could ask for it but he doesn't think they will get it. The state system warrants a certain amount of traffic on a minor road and major road. It will cause more accidents than it prevents. He doesn't think that lites are the answer. The issue re: grade access points - grade is 4% not 1 or 2%. Guardrails are shown.

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D. Nielson states that 1 or 2% is correct based on the plan before the Board. They raised the abutters to the side and raised the road to blend.

P. Herr indicates the proposed roadway depicts the curb. The next paragraph asks for the proposed road to be shortened/detention relocated but he didn't understand what they meant. Are they asking for additional drainage provided upstream to preserve and not impact the wetlands.

B. Lord states they are not changing the grading on the back lots.

K. Briggs asks if they can guarantee that. They can't guarantee it won't overflow.

B. Lord explains that any subdivision construction must meet certain engineer standards. These drawings meet the standards. Guerriere & Halnon is the finest engineering firm in this area. They can be relied on and their work is up to standards.

RL advises that Amory Engineering also looked at the plan on behalf of the town.

K. Briggs points out no one can guarantee there won't be runoff to the abutters property.

PC explains the Board has to go by the plan which was submitted. The Building Inspector checks out the development afterwards. It is designed to meet the criteria.

AM further notes the outside consultant guarantees it will work. They will rely on an unbiased engineering use.

K. Briggs notes the engineer he talked to said he doesn't see how they can build this.

John Fowler walked back there after a rainstorm and it is wet. They have to cut trees to build. Did they ever do a perc test?

D. Nielson responds negatively.

K. Briggs refers to holes which are all back there.

D. Nielson states those were to explore sewer. They were told they needed to make the sewer connection for this particular project. As prudent engineers, they went out to see the site conditions. It couldn't be done without sewer.

J. Fowler states the lot sucks up water during a rainstorm.

B. Lord states the engineering consultant also walked the site.

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D. Nielson explains the methodology used to determine the runoff which takes into consideration tree removal. Pre condition is based on woods. Post condition based on roads and lawn. That is why they end up with detention basins from pre to post conditions. They mitigate the same condition so there is no adverse impact to the abutter.

P. Herr asks about the hydrological study and the rate of flow.

D. Nielson states the groundwater elevation may be raised but it hasn't been analyzed yet. There is 2 - 4' of groundwater. The area of detention goes down 7 - 8'. They are recharging the groundwater.

P. Herr explains the water is recharged to the ground and is not evaporated or transpired to trees.

D. Nielson indicates that is the whole reason they are recharging the galley to lose certain amounts of groundwater and recharge the basins. To assist in infiltrating the runoff they have a drainage system to recharge on an even basis across the site. They equate the back in the recharge basin and sump.

J. Fowler states that doesn't answer why it is always wet after rain.

D. Nielson knows there is a groundwater issue there so they will set the basement of the houses very close to the ground. The basements are 7 ½' high. They will place the houses close to the surface of the ground and not go 7 ½' and put the foundation at 1 - 2' which will vary depending on the grading. The houses are in a fill situation and would fill up with water but for houses sitting close to or near the surface of the ground, they will fill around to accommodate the frost protection for the foundation.

Mr. Tillets runs 2 pumps during the spring time. All along the road there is a lot of water. Where will all the water go?

D. Nielson indicates that is probably draining on this property. All the water from here to S. Main Street will flow where it flows. On the hill and in between the 2 wetlands will go down hill into the wetlands. They will not build down the hill. Houses will be in front close to the road. There will be 4 houses behind Mrs. Briggs. Mr. Courtney and Mr. Bogan are the only ones who will have houses behind them.

K. Briggs refers to PC's comment at the last meeting that the water tank is the highest spot in town. His sump pump goes off every 15 minutes. He has more water in his basement than he has water pressure. All the houses are going down hill at the dip.

D. Nielson notes there are also contours which are dropping off on either side.

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K. Briggs asks where the drainage is from the side below.

PC indicates there are a lot of Conservation Commission issues. They will walk the area.

D. Nielson points out they already have. They have formally dealt a Request for Determination which required a walk of the site to inspect the flagging of the detention and where the limits of the wetlands area. They have done 75% of the site and didn't go to the finger. They need to file a Notice of Intent.

K. Briggs submits a letter asking for a continuance in order for all residents to review the plans for the subdivision. They are not pleased with the Safety Officer's comments and would like an independent analysis.

Clerk reads Lt. Haughey's comments from the minutes of the last meeting where he stated the offsets were not a problem.

WW reads letter which states "As the Safety Officer admitted to not being experienced enough, we would like to request that someone with sufficient knowledge review the traffic plan for the subdivision."

P. Herr notes that has already been done.

RL states the Safety Officer said he is not experienced enough.

WW points out that a professional engineer has addressed the safety issues.

K. Briggs apologizes for the misunderstanding.

Steve Patrick, abutter, is a school teacher and saw the traffic study being done. It was done after school was let out so there was no impact to the traffic. He is concerned about safety and that the study was not done during school time.

B. Lord states the study was done during the peak hour.

S. Patrick went over and talked with the man doing the study. Peak time is 7:30 a.m. but the man doing the study was not there until 8:00 a.m. S. Patrick was outside at 7:45 and the man was not there. He has a problem with lot 5 and suggests they don't put lot 5 up for safety reasons. If a child goes into the pond and drowns who is responsible?

AM responds the lots owner is responsible.

S. Patrick states that responsible people wouldn't put a house there.

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WW notes that the pond still goes there so it will be someone's responsibility.

P. Herr states the outlet pipe is 6" above the bottom.

B. Lord points out the detention basin will be fenced in and will have very little standing water there.

S. Patrick asks if the land was given a perk test and if it passed.

B. Lord responds that it doesn't have to since they will be sewerred.

S. Patrick comments they are putting houses on land that doesn't perk. Because it will be sewerred, it makes it buildable.

P. Herr indicates that although lot 5 is not attractive, someone will buy it. There is the possibility they will have 9 lots instead of 10 which will shorten the road. At least 2 lots maybe 3 would look better.

B. Lord explains they have a large length of road. They will receive no return for lots which are large in size since they are working away from the wetlands.

P. Herr acknowledges lot 5 is minimal and lot 6 is tight. The Planning Board can't require they shorten the road or limit the number of lots, but a number of people are saying it might be better. They talked about doing a development which enhances development. The height of the groundwater is going to be exacerbated. It will be worse for the houses at the bottom of the street than those higher up.

D. Nielson refers to the extensive process. Mr. Wilson is doing this project as it sits. Maybe there is the possibility they could come back with a modification because of the issues but Mr. Wilson has some private issues which he is dealing with and wants to move forward with this now. If it makes sense, they will modify later on.

B. Lord advises that it does meet the requirements. They started with a larger subdivision and reduced it of their own accord.

J. Fowler asks the cost of the houses.

PC has no idea.

Discussion about the process. The applicant will go to the Conservation Commission after the Planning Board. Abutters will be notified for that process. The Commission has more authority for the wetland area than the Board does.

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P. Herr asks if the Board intends to approve scheme A or B. Are lot bounds shown for lots 1, 5 and 10? He asks about erosion control information.

D. Nielson responds they are shown all over the plan.

P. Herr questions the location of the stock piles, spoil area and temporary drainage. He wants to see that on the drawings. It is premature to ask the Planning Board to approve something which is not documented.

K. Briggs wants more information since he is very concerned.

J. Fowler asks if they know the water will drain off the property after a rainstorm.

B. Lord points out it was all looked at in an extensive document.

RL moves to close the public hearing and direct P. Herr to prepare a decision. AM seconds. Vote of 4 (WW, RL, AM and PC). EM is not present and abstains.

B. Lord agrees to extension request as determined by the Board. Clerk to notify him of the extension date.

Decision to be reviewed at the next meeting of July 17, 1997.

PC notes that this could change when they go to the Conservation Commission.

MAPLEBROOK COMMON CONDOMINIUM CONTINUED PUBLIC HEARINGS

AM believes there are issues regarding abutters notices which were pointed out by Town Counsel.

B. Lord explains that the Assessor's Office gives notice to the Condominium association and not the individual unit owners. He never found a decision on what should be done.

AM thinks that each and every owner should be notified.

B. Lord agrees to notify all abutters for the next hearing date.

AM asks if this has to start over again since people want to be here. She would like an opinion in writing from Town Counsel.

WW wants to hear from Town Counsel if the process has to start over again.

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Kathy Hegarty, Chairman of the Board for Maplebrook Common Condominium, indicates they just found out about this process a few weeks ago when someone approached them to sign an easement.

B. Lord notes the town doesn't carry the condos as 4 separate condo developments.

K. Hegarty represents 97 units in Maplebrook which were built in 1984.

WW instructs Clerk to send a letter to Town Counsel asking for his opinion before the next meeting.

K. Hegarty informs the Board that Ted Cloisin from Birchwood approached her and asked her to sign an easement.

AM moves to continue the Maplebrook public hearing to July 17, 1997 at 7:30 p.m. with approval for an extension to July 31, 1997.

BROOKSIDE ESTATES DRAINAGE REVISION

EM rejoins the meeting. AM abstains from this discussion.

Robert Ballarino, developer, explains that at the request of the DPW he has to change the shape of the detention basin because they hit ledge and the DPW didn't want him to blast. They lengthened and widened the basin.

P. Herr reads his memo dated June 26, 1997 wherein he stated that the detention basin modification for Brookside Estates appears to make no consequential change, so he sees no reason why its approval cannot be granted without further review.

EM comments that the Conservation Commission said the Northeast Acres plan was not built according to plan.

R. Ballarino disagrees. The Board will get an as-built in a few weeks. There are no Conservation Commission issues.

P. Herr reads second paragraph of his memo which states it is important that a recorded plan indicate a drainage easement appropriately configured for this revised basin, as shown on the plan just reviewed. His files reveal no plan indicating such an easement. If such a drawing does not exist it should be prepared and recorded.

EM moves to approve the drainage basin field change.

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WW indicates that it will be fenced.

R. Ballarino will send the easement information to P. Herr for his review.

P. Herr comments this plan won't get recorded. The new plan which shows the easement is to be recorded. The developer should follow through with a distribution so everyone who originally got the plan will receive a copy of this one.

EM moves to approve the change to the detention basin for Brookside Estates. RL seconds. Vote of 4 (WW, RL, EM and PC). AM abstains.

Clerk stamps plans approved. Clerk to send a letter confirming the approval to R. Ballarino.

CENTRE RUN ESTATES DEFINITIVE SUBDIVISION PUBLIC HEARING

AM rejoins the meeting.

Donald Nielson, Guerriere & Halnon, refers to discussion at the last meeting relative to relationship of the cut and fills when the Board gave him permission to talk with P. Herr. They are looking for direction from the Board.

P. Herr raised a point that they waive the requirement and keep the proposed road close to the existing topography. In this case, it starts at the cul de sac and follow through with the alignment of the road to go up hill and back down. This road goes down a 20' cut. Why does it do that? There is a large amount of earth removal. Is the green area the area to be cut? The hill gets zapped. It is done in order to enable the storm drainage to accommodate the 2 take out points. Why is it so bad to have a 3rd point for the accumulation of the storm water? The Board could waive the standard if it is to the public benefit to do that. The whole road is in the cut. It does make a big difference. It was appropriate to hold off.

EM comments it is not only the cut for the road but you won't be able to drive up to the houses.

D. Nielson explains the road is down elevation 215 with the houses at 230 and 220.

Thomas DiPlacido, developer, explains that instead of asking for a special permit for each house for earth removal, he laid it out one time. He is preparing the whole site and put in the whole cubic yardage. 53 yards will be removed from the whole site cumulative. The house lots are perched up higher.

D. Nielson further notes that at the high point, the water is draining back in two directions per the natural terrain. The isolated land subject to flooding has nothing to do with drainage.

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EM asks how much the variation is and was it ever waived.

P. Herr responds the standard is 7' and this is at 20'. He has no recollection of it being waived.

T. DiPlacido has 6 Form A lots which come on the other side and he moved over. He is required to raise the road over the gas line and will lose a house since all lots will be on the new road. He will have to wait for the new road to be constructed for people to move in. He will have to put a pipe 20' in the ground or another detention pond on another lot. He is trying to meet the Board with every other issue. If he kept one detention pond, he would end up with a 20' pipe. He could put in 6 81-P 2 family houses with 2500 yards of earth removal per lot and end up with the same amount of units.

EM states they could argue that the Board vary the Bylaw to allow the cut and fill which would allow them to build a better development.

T. DiPlacido agrees this is safer and they end up with the same number of development units.

Neil Roche, Esquire, points out they propose one opening on the main drag to get into the 12 lots.

D. Nielson could knock off 5,000 yards.

EM thinks it looks like they can make the roads more in line.

D. Nielson identifies the road grades 220 to 230 to 237 and 200' with quick ups and downs.

EM thinks they could take out a little less.

D. Nielson explains that part of it is to create level areas to put the septic systems in. They looked at places to put them in based on the natural terrain.

EM asks if there is any other development similar to this road.

B. Lord notes that both David Road and Reservoir Road were lowered.

T. DiPlacido is willing to create a buffer zone with trees.

D. Nielson notes the existing grade is 230' now and goes from 230' to 242' with the road at 215'.

P. Herr suggests they stay right at existing grade. They could approximate grade by just cutting the tops off.

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D. Nielson states they need to be in the middle to be able to work. They have 2 plateaus to a certain extent in order to be able to put the houses and the septic 239 - 239 spike with 230 - 220 with houses 10' below street.

WW refers to Oak Knoll in Franklin which is up on a hill.

T. DiPlacido identifies a development he did in Wrentham on West Street which is similar and on Wamsudda Way where he dug up the cul de sac where the houses sit.

RL thinks that is a nice subdivision but is not as dramatic as this.

D. Nielson confirms the location of the ground water for every septic system. There is a 204 or 200 variation in the water table.

RL asks about the elevation off the cul de sac for the Wrentham development.

T. DiPlacido responds there are 2 on the right 10 - 25'.

D. Nielson states there are a series of knolls which are different elevations from the road. The centerline profile looks horrendous but as it drops off it is close to natural grade.

EM asks how far they can bring the road up without having the houses in the hole.

D. Nielson indicates the houses could come up 224 - 225' with one side at 230 and the other at 225 with the road at 225. One side would spike at 239'. It varies. The centerline is at 230. Coming down 5' sounds better than 15'. If they go up it cuts the gravel in half.

EM suggests they could bring the houses lower but not below the road.

T. DiPlacido asks about the highest amount they can bring the road up without the houses in a hole and without changing the drainage without splitting two detentions.

D. Nielson responds it is 225 at the high point with individual strips above 7'. He can't imagine not splitting the drainage because the pipe is down deep.

WW thinks the detention may not be as large.

T. DiPlacido notes it is difficult to sell houses with detention ponds.

D. Nielson will revise the plan and send it to D. Fraine to forward to Amory for independent review.

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WW asks that he send it to P. Herr at the same time.

AM moves to continue to July 17, 1997 at 8:45 p.m. EM seconds. Unanimous vote of 5 to continue (WW, RL, AM, EM, PC).

Clerk to forward letter to D. Fraine requesting the independent engineering review.

DISCUSSION WITH ROBERT FRAZIER RE: CHARLES RIVER CENTER

R. Frazier, W/S Development, explains he is here about a change to allow them to shift the side away for Hoyt's from the wetland buffer line. They will move parallel to the right of way line. It will make more buffer at the theater end and enable them to delete the retaining wall. They will keep the site plan the same exactly as configured.

P. Herr asks why it was not done initially.

R. Frazier explains that the alternate grading plan should have contained the shift.

P. Herr questions procedure. How does the Board go about approval of that?

R. Frazier explains that all the buildings are within the permissible building area. The leasing people are looking at more smaller specialty retail shops with less depth and smaller frontage.

P. Herr thinks it is hard to visualize without a plan.

EM doesn't have a problem with increasing the buffer to the wetlands.

R. Frazier explains there is green space now. This will provide more green space at the Charles River side. The location of the theater will change. MVP Sports and Outback Restaurant are going in the Crossroads Center. Further discussion relative to the proposed change. They need to get approval asap and can't wait until the next meeting.

RL believes it appears better.

P. Herr suggests the Planning Board could hold a special meeting in one week when a plan will be available or the Planning Board could say there is no problem and they could dig the holes at their own risk until the next meeting.

R. Frazier can't do that.

P. Herr doesn't see how the Board can act on a plan they haven't seen. If the change impacted off site the Board would have a public hearing but this doesn't. Are they eliminating the retaining

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wall to reduce construction costs?

R. Frazier confirms that is part of it. They want to move closer to 496 for better visibility. This is based on the Conservation Commission being out there and suggesting it.

Thomas Guerin, Deputy Fire Chief, suggests the Board approved pending P. Herr's review of the plan.

P. Herr believes the right thing to do would be to hold a special meeting.

Clerk to post special meeting for Wednesday, July 2, 1997 at 11:00 a.m.

R. Frazier will send a plan to P. Herr prior to the meeting so he can forward comments to the Board in time.

AM moves to hold a special meeting on July 2, 1997 at 11:00 a.m. EM seconds. Unanimous vote of 5 to hold meeting in Town Hall Complex.

GENERAL BUSINESS

Clerk notifies members of public hearing before the Energy Siting Board for the ANP Bellingham Power Plant to be held on July 10, 1997 at 7:00 p.m. in the Bellingham Public Library.

AM moves to accept an extension for the Heritage Pines Definitive subdivision to July 31, 1997. PC seconds. Vote of 4 (WW, RL, AM and PC). EM abstains. Clerk to notify Attorney Lord.

Meeting adjourned at 10:43 p.m.

William M. Wozniak, Chairman

Roland R. LaPrade, Vice Chairman

Paul Chupa

Edward T. Moore

Anne M. Morse