

**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**

**SEPTEMBER 11, 1997**

Meeting commenced at 7:06 p.m. All members including Associate Member Richard Dill ~~was~~ were present.

**RIVERVIEW PARK DEFINITIVE SUBDIVISION PHASE V**  
**CONTINUED PUBLIC HEARING**

Clerk reads letter from Edward Padden, Esquire, dated September 4, 1997 on behalf of applicant Richard Hill requesting a continuance and extension of the Riverview Park Phase V Definitive Subdivision to April 9, 1998 or the Planning Board's closest meeting date.

RL will extend one more time but the Board should reconsider if they don't do anything this time. He moves to continue the public hearing to April 9, 1998 with an extension of the time frame for action to April 23, 1998. AM seconds. Vote of 4 (WW, RL, AM and PC). EM not present for vote.

**OAK KNOLL ESTATES LOT RELEASE REQUEST**

Debra Gervais, 12 Pickering Ave., present a lot release request for lot 2.

Clerk researched file and explains bond has been released to the developer and the street was accepted by Town Meeting. The developer failed to request lot releases for any of the lots. Mrs. Gervais needs the lot release because she is refinancing.

RL moves to sign Form G, Certificate of Release for Lot 2, Oak Knoll Estates. AM seconds. Vote of 4 (WW, RL, AM and PC). EM not present for vote.

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EM joins the meeting at 7:15 p.m.

### **81-P BLACKSTONE STREET**

Bruce Lord, Esquire, on behalf of applicant Summerlan, Inc., requests a continuance to the next meeting on September 25, 1997.

EM moves to grant a 30 day extension for the 81-P on Blackstone Street which was submitted at the last meeting. AM seconds. Unanimous vote of 5.

### **HIXON FARM ESTATES DISCUSSION RE: STREET LIGHTS**

Clerk explains the Hixon Farm Estates lot release for lot 15 is all set. Per the January 23, 1997 minutes, a lot release for lot 15 was signed on that date. Developer misplaced his original. Clerk found a signed form in the file which was given to the developer for recording at the Registry of Deeds.

Ted Bailey, DPW Inspector, explains that Boston Edison put a pole up the street 165' which is 8' off the abutter's fence. They said they needed another pole. He received a phone call from the abutter and investigated. There is nothing in the DPW or Planning Board records which indicates the developer was granted a waiver from underground utilities. When they put the pole in, they trenched across the binder and only have a conduit.

EM suggests that if the wires are not on the pole, he should stop them now.

T. Bailey talked with the contractor and the developer. The Planning Board could send them a letter asking them to appear at the next meeting.

AM wants them to finish it per plan.

WW agrees to stop them right now.

RL moves to direct Clerk to forward a letter to Mr. Bailey requesting that he have the new Nynex Pole #1 which is 165' up Beaver Pond Road removed because it was never part of the plan. Apparently Boston Edison picked the location but Nynex put the pole in. Suggestion to put the other pole at Barret Lane and Hixon Street. AM seconds. Unanimous vote of 5. Approval for DPW to proceed to have pole removed and relocated where it should be on the plan.

### **ELM ESTATES DRAINAGE ISSUES**

The Planning Board received a letter from DPW Director Donald DiMartino, dated September 10, 1997 with a memo from T. Bailey clarifying lot numbers as lots 17, 19 and 21 for houses

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numbered 16, 18 and 20 which were inspected.

Joseph Kauker, Elm Estates resident, asks where the swale is.

T. Bailey explains there is an open stone swale until in between the houses and a solid pipe underground.

Roger Gagnon, developer, advises that Mr. Cartier and Mr. Haddad wanted nothing to do with the drainage.

J. Kauker asks if it was inspected all the way to his mother's lot line which is the furthest one up, lot 20, house #21.

T. Bailey, DPW Project Manager, explains that according to the plan it doesn't go all the way to the far end to the lot line. It is only  $\frac{1}{2}$  and  $\frac{3}{4}$  of the way up. It was done correctly according to the plan.

EM believes the driveway next door looked like it changed the flow.

J. Kauker responds it comes out to the front of the driveway and across the street. It is overflowing between his brother's land which is next door. There is still an open trench in his lot.

R. Gagnon states he should put a pipe there. It runs over everyone's property.

J. Kauker indicates it overflows from the trench and runs through his yard. It was done the first year he moved in and it leaked out the backyard to the street.

PC notes the Board can't make the builder do more than what is on the plan.

J. Kauker is drowning in his backyard. He didn't want an open trench but if he put stone in, it would flood the guys down the street.

T. Bailey states doing that would take the drainage and impact it. It is a big concern because the pipes are sized for the length of the trench which is there. If Mr. Kauker extends the trench, he would have to increase the size of the pipe.

R. Gagnon suggests he would have to open it up and put a pipe in there.

T. Bailey identifies the 4" 80s perforated pipe which is enough for the calculated flow behind the houses. If it was impacted, the 4" may not handle the water.

J. Kauker may go in and change it on his own land.

RL suggests he come in with a plan before he does it.

EM agrees. If it works it is fine, otherwise there will be a problem with it.

**PINECREST DEFINITIVE SUBDIVISION PLAN ENDORSEMENT**  
**LOT RELEASE REQUESTS**

Developer R. Gagnon presents the approved plan for signature. We received notification from the Town Clerk that the 20 day appeal period has elapsed. EM moves to sign the plan and lot release for Pinecrest lots 1 and 2. AM seconds. Vote of 3 to sign and approve with 2 opposed (AM, PC and EM approved and WW and RL opposed).

Clerk to bring mylar to Town Clerk for her signature. Clerk to give signed mylar, lot releases and covenant to Town Counsel for his approval prior to release to applicant.

**MAPLEBROOK COMMONS CONDOMINIUM**  
**SPECIAL PERMIT AMENDED DECISION**

EM abstains and removes himself from the hearing room.

Bruce Lord, Esquire, representing applicant, Longview Realty Trust, indicates they are in compliance for the name change.

Clerk reads letter from Town Counsel Lee Ambler, Esquire, dated September 11, 1997 where he advises that the Board vote as follows: "The Board votes, subject to compliance with all applicable permits, rules, regulations, By-laws, and with Massachusetts General Laws Annotated Chapter 183A to (insert name of responsible Trustee) of Longview Realty Trust LLC in lieu of R.B. Walden Group, Inc., as the named Developer, and to accept the withdrawal of the applicant's application with regard to the following: A. Amendment to the Maplebrook Commons Condominium's Special Permit, including reducing the area for the condominium to 948,948 square feet, B. Reducing the number of condominium units to 43, C. Changing the name of the Condominium from Maplebrook Commons to Birchwood Grove Condominium, and D. Cluster Layout Special Permit as authorized under Section 4300 of the Bellingham Zoning By-Law, and the Maplebrook Commons Definitive Subdivision for 20 residential lots on 49.8 acres located on Maplebrook Road and east of Blackstone Street, and west of Maplebrook Condominium.

B. Lord notes that items A, B, C and D were done at the last meeting.

Clerk confirms a letter of withdrawal without prejudice for those items was forwarded to the Town Clerk after the last meeting since the Board formally voted at that meeting.

B. Lord added the name of Brad Cushing, Trustee to the decision and added the vote as indicated

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by Town Counsel.

Kathy Hegarty, Maplebrook Board of Trustees, asks if the Board heard anything back from Lee Ambler relative to the protection for Maplebrook.

Clerk reads bottom of the decision which states that Longview Realty Trust LLC shall abide by all of the rules and regulations of the Town of Bellingham including zoning bylaws and assumes all the rights and obligations as developer under the cited Special Permit and any other decisions, permits or rulings that have been made for or against the previous developers by this Board or any other Board or office of the Town of Bellingham.

RL moves to approve the special permit decision to change the name of the trustee as amended and written. Apparently Mr. Ambler was not aware that items A, B, C and D have already been taken care of. PC seconds. Unanimously approved (WW, RL, AM, PC and R. Dill). Associate Member Richard Dill acted in EM's absence since he is abstained. Clerk explains there is a 20 day appeal period from the date the decision is filed tomorrow.

### **BALD HILL ESTATES DEFINITIVE SUBDIVISION PUBLIC HEARING**

EM rejoins meeting. Bruce Lord, Esquire, representing applicant B & S Realty Trust, Burton and Scott Rhodes, explains they are requesting an amendment to the subdivision plan which was approved in 1987. The original plan showed a water loop but the water line ends so they are requesting the loop be waived. The approved cluster was done in 1987 and the subdivision was done in March of 1988. The original application was sold to Forge Hill from the original applicant which was Silver Lake. There was a covenant and the bond was posted but the water loop was not included in the estimate for road work signed by Wilfred Arcand. Thereafter, B & S Realty Trust purchased the subdivision. Lot 8 was sold and the easements were not reserved from Gaboury. At purchase, this owner was not aware the water loop was not done. The neighbors believed the loop was waived. The estimate from the Highway Dept. did include the water and utilities. The bond which was held by the bank at the time was invalid. There was no reference to the water loop. There are no records from the Highway Dept. or Water Dept. relative to the loop. There are letters from Gaboury, Pignolet and Zazza who all believed the water loop was waived. There are no easements. It is all private property and deeded out. There is no way they can construct the water line.

WW has copies of the deeds and the water loop is on the deeds. There are notes relative to the easements on all the deeds. Each lot was bonded individually. When the applicant went to discuss the road bonding with the DPW in January 1997 the water loop issue came up. There is money in escrow to complete the work.

B. Lord refers to the cost of putting in the water loop as expensive.

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Clerk reads letter from Fire Chief Richard Ranieri, dated September 2, 1997 wherein he urges the Board to require the water main be looped from Denault Drive back to Pulaski Blvd. which was previously recommended by the Planning Board but for whatever reason, was not done. He received a copy of a letter from B. Lord which alludes to Highway Superintendent Arcand's estimate not including the loop. At that time, he doesn't believe Mr. Arcand was overseeing the Water Dept. so his letter would not have included water related issues. The Planning Board's final decision, dated September 24, 1987 included requirement #4 that the water loop to Pulaski Blvd. be completed before the issuance of any building permits. He asks how the builder got permits when this work was not completed. He still feels his recommendation remains unchanged from his previous one. The loop should be installed for both fire flow and water quality reasons.

RL asks how building permits were obtained.

B. Lord does not know.

EM reads DPW Director Donald DiMartino's letter, dated September 5, 1997 wherein he references his January 9, 1997 letter stating that he does not support the elimination of the water pipe loop from the end of Denault Drive to Pulaski Blvd. If this loop is eliminated, by any passed or future action of the Board, a flushing hydrant must be added at the end of the water pipe at the cul-de-sac on Denault Drive. The Board is aware of his opinion about dead end water mains and the importance of pipe loops to preserve water quality. All comments he sends to the Board on plans submitted for his review include requests to complete water main loops. This project as originally approved eliminated one of the dead end mains. Bellingham has many dead end water mains. We make every effort to prevent new ones from being constructed. Until we are ready to take a hard stand of not allowing any dead end water mains, they will continue to be added at all cul-de-sac road subdivisions. The Board must weigh the possibility and effects of this item acting as a hindrance to prevent these streets from ever becoming accepted as town roads.

Clerk reads letter from 18 Gemmur Lane resident, Karen Herrick, dated September 11, 1997, wherein she states: On August 27, 1997, at 3:00 p.m., she spoke with Scott Rhodes requesting that he come and rake the weeds from her front lawn so that she could seed the areas disturbed by the pavement installation. She was anxious to do this as Mr. Rhodes never completed the job he started - about two months ago his crew spread and raked loam and never applied seed to the area. Now that the area is thick with weeds and her frontage is in excess of 225 feet, she does not have the time to weed this area nor does she think it is her responsibility to do so. During this conversation, she emphasized to Mr. Rhodes that she would apply the seed at her own expense and he promised to send someone over within 2 weeks to weed the area. Yesterday and today, Mr. Rhodes' crew was in her neighborhood weeding and seeding the disturbed areas. She asked him personally to take extra care with her lawn since they had just recently repaired all the damaged heads from the first job. He responded that he would do so - hand picking the weeds and raking. However, now they are nearly complete with their job and the only property which was not weeded was hers. Hydro seeding was applied over the weeds which are now quite thick

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and dense. She called Mr. Rhodes about this oversight, and he claims that she requested that he not do her lawn at all. This is absolutely untrue, and she feels she is being harassed by Mr. Rhodes because of her request. She would like to emphasize, that she along with the rest of the neighborhood, has been very patient with Mr. Rhodes and his lack of concern for the development he owns. They have sustained a poor asphalt installation, expensive sprinkler system repairs and damaged lawns and driveways. She respectfully requests that the following items be corrected: Disturbed area hand weeded and raked. She will bear the expense of re-seeding the area.

Paulette Zazza presents a letter from Mr. and Mrs. Paul Pignolet who couldn't be here tonight. WW reads letter from Jackie and Paul Pignolet stating that they were unable to attend the Planning Board meeting tonight. They are sending this letter regarding the waterline loop hookup proposal that was to run from the cul-de-sac on Denault Dr. to Pulaski Blvd. They recall a Planning Board meeting approximately 10 years ago in regard to this water line. At that meeting, the water line loop was waived and the right of way that the water line was supposed to go through was deeded over to the Gaboury's and Zazza's. They remember this because there was a fence which belonged to them which had to be moved to their new property line. Under no circumstances was this line supposed to come through their property or the Gaboury or Zazza's.

Clerk researched files and old minutes but did not find any reference to the water loop being waived.

EM agrees because it wasn't done. There is a 50' easement which is documented on the deeds. It is signed by Mr. Rhodes on the 3 deeds.

Rick Herrick, resident, is shocked by these 3 gentlemen. It is deeded. How could they not know the decision when they purchased the property?

B. Lord clarifies he is not an owner of this development. When the roads were purchased, the applicant believed the water line was already in. He was under the assumption it was there. He only realized this past fall that it was not there. They are asking for the Board's consideration. They took a subdivision which was never completed and completed the roads. When Mr. Rhodes took over the development, the manholes were above the road and the town wouldn't plow the roads. He put all the utilities in except the water.

PC asks about records from the Water Dept. which are now kept at the DPW.

AM can't imagine why the Board would waive it.

B. Lord responds because the town didn't follow through. The building permits shouldn't have been issued.

EM believes it needs to be done right.

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T. Bailey indicates that Mr. DiMartino asked him to provide an update. He completed a memo with a punch lists of items remaining to be done. Mr. DiMartino may be holding his memo.

B. Lord reiterates these gentlemen saved a development which was never going to be finished. They did it for a profit basis but they thought the water loop had been done.

PC asks Gaboury and Zazza about the easements.

P. Zazza has deeds with a 50' easement.

Betsy Cournoyer, 14 Denault Drive, doesn't think the residents should compromise quality of their water and safety. The water flows downhill. Two residents were forced to pay a \$7,000 cash bond for the road to be completed to the plans which are on file. The Board has received two opinions against the waiver. There are no compelling reasons to waive it.

B. Rhodes advises that when he sold the project originally, no permits were to be issued until the water loop was completed. He didn't monitor it because it was not his problem but the town made a mistake.

EM states that when one buys something, one gets everything which goes with it.

B. Lord believes there is paperwork available in town which indicated this was completed.

EM asks how a nonbuildable lot became buildable.

B. Lord responds the Conservation Commission changed the wetlands line due to changing regulations within the town. The town has some responsibility for its actions. He agrees it is a good idea to loop the water lines but like the DPW said there are a lot of cul-de-sacs in town which are not looped.

EM doesn't ever remember approving one which could be looped and waiving it.

B. Lord notes the town compounded this by issuing the permits.

Mary Ellen Hutchins, 19 Gemmur Lane, indicates it is clearly stated. It is on the deed so the water main should go through. If it doesn't go through, the neighborhood will be treated unfairly.

EM wouldn't vote to recommend street acceptance.

Ron Lipman, 16 Denault Drive, asks whose job it was to enforce that this be done?

RL responds it was the Building Inspector. EM notes he is no longer with the town.



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Mr. Davoren was at the last meeting when it was waived. The Zazza's and Pignolet's have legitimate concerns. In the 50' right of way, a pipe goes under which is concreted. There is documentation from the Conservation Commission that nothing should be touched.

RL asks what the pipe is doing under there. Why would the Planning Board waive the water line when it is better for the residents? What is the purpose of the concreted pipe?

? responds it takes the water off Pulaski Blvd.

Mr. Gaboury advises there is a 3.5' pipe which goes to the Bellingham Reservoir. The water is undermining in the 50' right of way.

P. Zazza feels she has been put at odds with her neighbors. The people who bought houses there think it should be done. People need water. She doesn't want them tearing up her property with tractors. Will they restore it? She wouldn't have invested all the time and work to get it the way it is if she knew.

EM responds they would have to repair what they disturb. He states there is also a right of way besides the water line on the deed. He reads "subject to the 50' right of way and water line easement."

Mr. Lipman states that is not on the original deed in Dedham.

B. Lord requests that this issue be forwarded to Town Counsel relative to whether or not the easement exists.

WW sees no reason to send it to Town Counsel. There is no question. The Conservation Commission is aware but it was just brought to their attention that it was not done. They haven't had a chance to look at the whole thing.

Barbara Delaney, 21 Gemmur Lane, points out there are 26 children who live in their development. They would be saving the developer money and the inconvenience but waiving the safety and welfare of those children. The water loop is for health, safety and water quality.

AM states it would be different if it couldn't legally be done but it can. She thinks the water loop should go through especially based on the recommendations from the Water and Fire Depts. The developer will have to restore the property the way it is now.

EM moves to close the hearing. AM seconds. Unanimous vote of 5 to close.

RL moves to deny applicant's request for a waiver of the water looping for Bald Hill Estates. AM seconds. Unanimous vote of 5 (WW, RL, AM, PC and EM). Clerk to prepare decision for

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review at the next meeting.

Brief discussion between the Board and Mrs. Herrick. Mrs. Herrick advises that Mr. Bailey told her to send the letter. EM notes the Board still has a bond for completion of the work. At this point, the weeds will die shortly because of the time of season. WW confirms that T. Bailey indicated that all the rest of the neighborhood was done except the Herrick's.

### **WESTON ESTATES DEFINITIVE SUBDIVISION PUBLIC HEARING**

EM abstains and removes himself from the hearing room. Clerk reads Notice of Public Hearing.

Bruce Lord, Esquire, representing applicant Route 126 Bellingham Realty Trust, explains this is a 19 lot subdivision which was previously submitted as a cluster. It is a straight subdivision with 2 roads entering from Indian Run Rd. which is the Clinton property to 11 lots. Utilities will be off Indian Run. The second road is off S. Main St. across from Charlie's Tire. It is north of Chestnut Hill near Pheasant Hill. A series of detention ponds are proposed. They will water loop to Pheasant Hill if they can obtain the easement. Entering from S. Main St., there is a straight road. Conservation Commission walked the site and indicated they are capable of doing this. They will file with Conservation for compliance. It is suburban zoned with 40,000 square foot lot requirements. The lots are larger on the other side. The range is to 134,000. They are not requesting any waivers. All the information has been provided. There is a site problem on one side. They will take out the hump in the road. They know this must be sent out to a consultant so he asks that the applicant's engineer be allowed to communicate directly with the town's consulting engineer.

RL asks the location of the perc tests. He doesn't believe that every lot perced.

Brad MacKenzie, engineer, responds there was one test pit per 4 - 5 lots. The location is adjacent to the property near the detentions.

RL asks if the lots will sustain septic systems and Title 5. He finds it hard to believe that it would.

B. MacKenzie responds affirmatively. They perced all lots but 4.

B. Lord identifies Road A with 8 lots and Road B with 11 lots.

WW explains hearing procedure to the audience and asks if there have been any talks with the landowner of the Pheasant Run lot relative to the easement.

B. Lord responds negatively but doesn't know why he would refuse since looping would be advantageous to them. He refers to Mr. DiMartino's letter where he talked about water looping to Indian Run Road but they are small lots.

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Clerk reads letter from Fire Chief Ranieri, dated September 9, 1997 wherein he makes the following comments: 1. A hydrant be installed at the entrance of roadway A to service the lots for fire protection without crossing S. Main St. with hose lines. 2. A hydrant be installed at the entrance of Roadway B to service the lots for fire protection without crossing Indian Run Rd. with hose lines. 3. Deputy Guerin requested Attorney Bruce Lord to provide proposed street names for Roadway A and B but has not received the names. See that the street names are not similar to any other existing streets. 4. Recommendation the water lines be connected for both roadways for better fire flow and looping requirements. 5. Recommendation water mains and hydrants be installed as well as a basecoat for the roadway be installed prior to issuance of building permits for fire protection and emergency vehicle access.

Clerk reads letter from DPW Director Donald DiMartino, dated September 5, 1997. Relative to General Roadway: 1. Option 1 of the Preliminary plan was obviously used. Option 2 would have eliminated one cul-de-sac. It appears wetland impact consideration drove this decision. 2. All sidewalks must be constructed in accordance with the requirements of the American's with Disabilities Act and the Massachusetts Highway Dept. Wheel Chair Ramp Standards that are in place at the time the sidewalks are constructed. 3. Retaining walls be installed to a height that will allow the concrete to extend 12 inches above the top of any paved roadway surface. Relative to Water: 1. The hydrant located at station 6+00 on Road A is over 500 feet from the existing hydrant in S. Main St. Hydrants on Road A should be relocated to station 3+50 and 8+50. 2. A main line gate valve should be added at station 10+30. This is under the pavement before the water main enters the easement area. 3. All water main installed in easement should be as straight as possible, especially in wetlands areas. The easement and water main bend, that is shown on the Lot 12 and 5 property line, should be eliminated. 4. All water mains installed in easements should be Class 52 Cement Lined ductile iron pipe. Permanent bollard type markers should be installed on the surface directly over all bends in the water main. These two items will make the pipe easier to locate if future problems occur. 5. The water pipe at the end of Road B should be extended and connected to the water main in Indian Run Rd. through an easement along existing property lines. If the loop can not be completed the end of this line should be installed to allow for it in the future. The end of the water main should be: a hydrant tee and hydrant branch, a line gate valve after the hydrant tee, and 20 feet of ductile iron pipe with a plug installed. The pipe should be headed down the Lot 15 and 16 property line. In addition, a 20 foot wide easement should be established that extends to the west end of this property line. 6. At a minimum, the hydrant located at station 11+10 on Road B must be extended. As drawn, Lot 15 does not have frontage on the water main. 7. All water mains in the roadway area can be PVC C-900 class water pipe per Bellingham standards. 8. All changes in direction of PVC C-900 water pipe must be made using ductile iron fittings. Plastic water mains cannot be deflected to make turn a radius. 9. All service connections to the water mains must include a stainless steel saddle not just those taps over 1" as noted on the details. Relative to Drainage: 1. He defers all comments on pipe and pond sizing to the Board's consultant. 2. The Conservation Commission will also be taking a more active role in drainage system construction as they are the authority in charge of administering the new DEP Storm water Management Policy. This new policy is

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designed to control storm water run off quality. Our regulations are designed to control storm water run off quantity. 3. There are some problems now on Indian Run Rd. This project should not amplify an already poor situation. There is no sewer available to this property at this time.

Clerk reads P. Herr's memo dated September 11, 1997 wherein he indicated he has not completed his review of this subdivision. It is clear that due to the extensiveness of drainage facilities proposed, review by a consultant engineer would be appropriate. Prior to the Board's next meeting, he will complete his initial review and will convey his concerns to the engineers who prepared the plan.

B. MacKenzie did receive a copy of the DPW letter. The hydrants can be moved.

B. Lord explains they can't comply out to Indian Run Rd. It would be an imposition to ask anyone to give a 20' - 30' wide easement since they are all small lots. They would have to dig up half their lots to do it.

B. MacKenzie spoke with Sgt. Buskirk and will meet him on the site next week.

RL moves for the Board to ask the applicant to pay for an independent review.

B. Lord agrees to the review and asks the Board to specify in the letter requesting the review to D. Fraine that the applicant's engineer be allowed to communicate directly with the consultant engineer.

EM seconds RL's motion. Vote of 4. (WW, RL, EM and PC). AM abstains. Clerk to forward letter to D. Fraine requesting independent engineering review with direct contact with applicant's engineer.

Michael Drake, 22 Pheasant Hill Road, asks which 4 have not been perced yet.

B. MacKenzie hasn't gotten to the lots on the Indian Run side.

M. Drake asks what they are digging near his house.

B. MacKenzie did dig one hole but it is not near his house.

David Brady, 6 Partridge Trail, asks about the impact on the water pressure if they tie in.

B. Lord responds it doesn't affect water pressure.

PC explains they would have better water quality because of the water loop. Right now they have dead end sediment but this will not change the water pressure.

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Glenn Gerrior, 823 S. Main St., asks about the Chestnut Hill condo impact on the water quantity and the impact of the water on S. Main St. down Indian Run Rd? What happens during the 100 year storm with roadways going in? This subdivision has been talked about for 20 years. It is not new. Whatever the Board does, consider the water issues. This property is at a high point going down to the lake. Charles Bells, an abutter, is not here but he was concerned that he won't be able to get out of his driveway. What about the quantity of the water and impact on the abutters? This will not hit him but will hit the people below him. What about the impact of the Chestnut Hill Condo devastation?

PC responds that is why the town hires a consulting engineer.

WW acknowledges this is on the low side of Pheasant Hill.

B. Lord looked at the old plans. They are trying to build away from the core area to maintain water on the property now. They don't think this will make it any better but it will not make it worse either. He suggests that since Amory was the consulting engineer on the Chestnut Hill Condominium, already has the background and is aware of the problems there, the Board could use Amory for the independent engineering analysis.

Joseph Clinton, 40 Indian Run Rd., lives right in front of where they will put a septic tank. He is on well water, not town water and has lived there for 18 years. There are many days when the rain water is high in his yard. His is concerned about where the water will go.

B. MacKenzie explains there is a large watershed area. The roadway will intercept the water by a catch basin and release the storm water back into the wetlands on the site and release to a lesser extent. It is not going to exacerbate the situation.

J. Clinton asks if they have to comply to be 100' from the road. He wants it noted in the record that they are solely responsible if anything happens to his well or septic system.

G. Gerrior indicates the Board was told that Chestnut Hill would be released slow and we all know what happened there. It took many years for that to be corrected.

J. Clinton discusses the runoff from S. Main St. to the property along Indian Run Rd. How can they show they will run a street from S. Main without going through the wetlands area which is restricted?

B. MacKenzie replies the elevation will be sloped towards the houses. The roadway will intercept some of the sheet flow but will not solve the problem.

B. Lord points out that the Pheasant Hill detention pond was not completed per plan.

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B. MacKenzie agrees. It is 1/3 the size and led to an increase in the wetlands. They can alter 1,000 to 1,200 square feet. Under the Wetlands Protection Act, they are allowed to do the altering if it is the only good developable land. This is the only way to provide access on the site. They are filing a limited crossing and are well under the 5,000 square foot filling. They don't need the limited access because they are allowed the 5,000. It is contiguous to the same wetland.

EM asks if the plan was submitted to the Conservation Commission.

B. MacKenzie replies it has been distributed but has not been formally filed with the ConCom. They wanted to wait for input from the engineering consultant before filing.

J. Clinton doesn't see how they can get through the wetlands.

Ed Claire, 802 S. Main St., notes that everything is not wooded.

Gary Milkowski, 58 Indian Run Rd., asks if the property perced?

B. MacKenzie excavated the test pit for the whole area but they haven't been back to finish yet.

G. Milkowski asks if they will change the cul-de-sac?

B. MacKenzie replies that they may have to reconfigure it if it doesn't perc. There might be some minor modifications but they do intend to finish the perc tests.

G. Milkowski feels the same as Mr. Clinton. The whole road is a mess. It is all down hill from the water. He is concerned about poor perc test.

EM indicates that is not a requirement right now. If it doesn't perc, it means it is not buildable.

WW explains this Board could approve this and then it could go to the ConCom and they could say no way. They would then have to come back to the Planning Board and everyone would be notified again.

E. Claire, has lived there for 15 years. In 1984, people tried to perc this property but none of it would perc. The wetlands have increased and there is more drainage but now it percs. His property is 12 - 15' higher. When it rains, his cellar floods and he had to put in a sump pump. When it rains, his neighbor's pump runs constantly. The wetlands is above the level of the retention ponds.

B. MacKenzie will have 5 detention basins on the whole site.

Nancy Doyle, 7 Roger Street, understands there will be a retention basin right behind her lot.

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What is it? How far is it from her lot line?

B. Lord explains that is where the water drains to. It is captured in the pond and drains out in a slower fashion.

G. Gerrior asks about the depth of the ponds.

B. MacKenzie responds they are different sizes. One will be 4' well above ground water. The bottom will be 80 - 100' and 60' wide.

N. Doyle asks if it would be up to the lot line or buffered and how much would it be buffered?

B. MacKenzie responds it will be 30' from the bottom of the bank.

WW further explains it is 30' from the bottom of the bank to the stonewall.

B. MacKenzie responds to Ms. Doyle's question relative to safety that there will be a 4' chainlink fence around it.

WW asks about the size of the pond?

B. MacKenzie responds the basin on lot 1 will be 80' x 30' with a depth of 3.51. There are no basins in the wetlands because they wouldn't conform to the DEP.

WW believes that is comparable to the pond at Home Depot.

B. MacKenzie identifies the size of the pond at the Indian Run entrance as 50' x 30'.

John Melchier, 3 Roger Street, notes there is already water there.

B. MacKenzie states pond at lot 16 is 80' x 90' x 40'. At lot 10/11, the pond is 90' - 100' x 30'. Lot 9 has a triangular shaped pond at 50' x 30', 5' deep. There is good gravel all at 2 minutes per inch.

J. Melchier has a pond right behind his house. He's surprised there is good gravel.

B. MacKenzie explains the definition of wetlands with vegetation.

G. Gerrior is concerned about the number of retention/detention ponds (5) for the number of houses going up. There is a lot of water running and traveling the parcel for 19 homeowners.

B. MacKenzie is aware of the problems at Indian Run Rd. but this will not make it worse.

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Rich Regan, 806 S. Main St., is on the second lot off the road which is coming in. There is runoff from the water from S. Main St. He gets the water running off now. He and Mr. Chartrand have a river flowing between their houses. Where is the road going? It is always wet. He saw the engineering doing the percing. The engineer got stuck and told him it was not percing. He agrees that most of the green is all wetland. He has lived there for 10 - 11 years. It all drains to Lake Hiawatha.

B. Lord points out that all the wetlands will be discussed at the ConCom meeting and they will check the flags.

WW thinks it would make our job easier if they went to the ConCom first.

R. Regan and Paul Chartrand have a hart time getting out.

J. Clinton asks why the Board does not invite the ConCom here since it is all wetlands.

WW did invite the Chairman but he couldn't be here.

B. Lord agrees that the impact to drainage is always significant when there are wetlands but they would duplicate work if they went to the ConCom before they go to the town's consulting engineer.

Michael Drake asks about the lot 14 impact at the end of the circle at Pheasant Hill since he abuts the lot. What about construction in the circle relative to number of trees to be cut down and aesthetics?

B. MacKenzie responds that lot is down the slope. Whoever buys the lot will present a plot plan to the Building Inspector with setbacks. B. Lord explains they have no control over a landowner who buys the property.

M. Drake asks about his cul-de-sac.

B. Lord responds if they are allowed to put the water main through, they would dig it up in order to put the main in. It is a simple cut and fill.

PC indicates that the people who own this property pay taxes on their land and have to be given the opportunity to develop it.

B. Lord states the same owners have had this parcel in 1984.

WW asks the engineer (MacKenzie) to mark the location of the entrances at S. Main St. and Indian Run Rd. with a colored stake so abutters can see where it will be.



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Sam Cuccinotta, 9 Partridge Trail, discusses a catch basin which is on his property which is really town property. People behind him sued him because the catch basin overflowed. The catch basin doesn't work. He is concerned about 5 more which will not work either.

J. Clinton states that when there is a lot of rain, it slides from S. Main to Lakeshore Drive. The catch basin at the food of Scott Hill was loaded with sand. It was bulging so they called the DPW Superintendent who sent someone in with a probe bar. They had to clean out 4 catch basins in the vicinity. They had to put in 5 more catch basins which are all full of sand. The water runs to the lake from Scott Hill Blvd. It has to be looked into before this happens. Where will all the water go?

G. Gerrior notes according to the ConCom this could be a wet area. Vegetation constitutes wetland. He discusses the final grading of the lots. The landowner could sell lots to a third party so there will be no control.

B. Lord points out the individual lot landowner has a right to do what he wants with his land. They are dealing with the slopes, drainage infrastructure and handling of the drainage. An As-built will be submitted before release of the bond. There is some control. He requests a continuance for one month in order to give the town's engineer time to review.

EM will be absent from the October 9, 1997 meeting. Applicant wants to continue for one month. EM moves to continue to October 9, 1997 at 7:30 p.m. PC seconds. Vote of 4 (WW, RL, EM and PC). AM abstains and is absent from the hearing room.

B. Lord requests that Clerk forward a copies of all the Weston Estates comments.

### **OUTBACK RESTAURANT DEVELOPMENT PLAN REVIEW**

AM rejoins hearing.

Robert Frazier, W/S Development introduces Kevin Heron from Outback, Lou Masiello and Mike Dean from Guerriere & Halnon.

WW asks about the revised plan for the movie theater.

R. Frazier should have the mylars at the next meeting. They went to the ZBA and were approved for a variance. The Board did receive the plans in accordance with the meeting.

EM moves to waive the reading of the newspaper ad. AM seconds. Unanimous vote of 5.

Mike Dean, Guerriere & Halnon, project engineer, explains the location of the Outback Restaurant adjacent to N. Main St., the gas line and access road. The proposed restaurant is

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shaded in red.

WW asks about the size of the building.

M. Dean replies it will be a little bigger than originally proposed. They changed the prototype of the building. The square footage was at 6,500 but they made it a little smaller with a new prototype which is 6,200 square feet. They moved the trash away from the front of the building and put it to the rear.

RL notes that now the trash will be seen when people drive by because of the N. Main St. frontage.

M. Dean will screen it.

RL asks if this is the same size of the other Outbacks.

Kevin Heron, Outback Restaurant, responds this is the prototype they are proposing. They will have a trash enclosure in the back with plantings and trees. The dumpster gate will be concealed in the back. The front of the building fronts the access road. They may do stucco or wood on the side of the building.

WW points out originally the building was to be 6,000 square feet, then 6,500 and now 6,200. He asks about the square footage for the total complex.

Louis Masiello presents a breakdown of the square footage for the Crossroads Shopping Center for a total of 270,300 including the 6,000 restaurant. Remaining retail pad is a maximum of 30,001 square feet.

WW asks about the Home Depot storage warehousing which is taking up the parking lot. They have trailers and other storage which is taking up parking spaces for storage. Did they add that to the square footage for warehousing? WW thinks they are creating an eyesore. It will be a problem when the center is full.

EM notes it is nontaxable but they are using the parking as square footage.

RL agrees it is not an allowable use for parking.

R. Frazier suggests the Planning Board write a letter and he will deal with the tenant.

L. Masiello continues with his description of the square footage and parking. They are left with 30,001 for Retail A. Parking was at 1238 but they created more parking at Outback for a total of 1255. Total parking required is 913 spaces. Between the 2 restaurants, they use 232 parking

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spaces. Total parking excluding Retail A is 1,145 which leaves 110 left in the center for an allowable 27,500 square foot building for Retail A.

R. Frazier is negotiating with a craft store for a 24,500 square footage building.

EM would like to send a letter to the Building Inspector about the storage and warehousing in the Home Depot parking lot. He asks about any other place for parking across the street.

WW reads letter from Fire Chief, Richard Ranieri, dated September 9, 1997 wherein he comments: 1. There appears to be no access to the Fire Dept. sprinkler connection as proposed. The plan shows a dumpster enclosure adjacent to the entry area for the domestic and fire protection water connections. With the limited access to that area, connecting a pumper to the sprinkler connection will be impossible. Either the dumpster enclosure needs to be relocated or the Fire Dept. pumper connection needs to be relocated to a paved area accessible to fire apparatus. 2. Access around the building is not available on two sides of the building. It would be advantageous to have better access to the building.

RL asks if the Fire Chief was looking at the new plans.

M. Dean replies that he did not have the new prototype and new dumpster location.

EM reads letter from DPW Director Donald DiMartino, dated September 5, 1997, Relative to the General Roadway: The entrance is off the Crossroads Shopping Center access road. He is concerned about the impact on the traffic at the N. Main St., and Hartford Ave. intersection. This is due to the poor arrangement of driveway entrances on both the Southeast and Southwest corner of this intersection. The applicant's traffic engineers should review the additional vehicle traffic impacts. When it was made clear that the parcel on N. Main St. would be a part of the center, he suggested that an effort be made by the applicant to work with the abutting property (Dunkin' Donuts) to resolve the driveway entrance problem at the intersection. He was informed that the topography of the site and the retaining wall at the property line prohibited any improvements. However, a very substantial quantity of earthen fill was on this site for quite some time. It seems this fill could have been used to join the two parcels and eliminate the retaining wall and possibly one driveway entrance. Police Chief Boucher and Town Administrator Fraine have asked him to install some type of control for the Hartford Ave. driveway entrance at Dunkin' Donuts. He is concerned about liability regarding any measures we take. He asks that the Board suggest that the applicant's professional engineers review this situation and suggest possible mitigation measures. Relative to Water & Sewer: All water and sewer connections are off the system installed on the Crossroads Shopping Center property which look acceptable. Individual connection permits must be applied for through this office for the water and sewer service connections. Cross connection control plans must be submitted to this office by the building contractor to insure that proper backflow prevention devices are installed. This submittal is in addition to the typical submittal required under the State Plumbing Code. Early submission of

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plumbing and fire system plans to this office will usually eliminate the need for costly retrofitting of incorrectly installed plumbing and fire sprinkler systems. Relative to Drainage: he defers all comments on drainage system sizing and Storm water quality issues to the Board's consultant and the Conservation Commission.

R. Frazier explains they allowed the owners of Dunkin' Donuts to plug into their pump station for which they are paying a pro rata maintenance fee. The town wants it fixed but he doesn't know that he's the one to do it.

EM comments that a light would help at Outback because it is hard to get out now.

Richard Dill, Associate Member, reads fax memorandum from Board's Consultant Philip Herr, dated September 11, 1997, wherein he states that he reviewed the 3 sheet site plan for the Outback Steakhouse dated August 27, 1997, revised September 11, 1997, plus a sheet of photometric information dated September 9. RE: Substantive concerns: 1. Parking Adequacy (Section 3320). The 232 seats proposed require 116 parking spaces. On these premises, 111 spaces are shown. The applicant claims credit for 14 parking spaces located on the north side of the Algonquin Gas Transmission easement which raises 2 concerns: By any reasonable estimate of how one would get from those spaces to the building, their distance exceeds the 300' separation requirement as stated in Section 3334, "Proximity," under "Parking Area Design and Location," Article III. The overall parking space count for the site, as approved, contemplated fewer parking spaces for this restaurant. Mr. Frazier suggests that the leasing of Building A can adjust for any deficiency in the project-wide total. The Board should confirm that, and get an understanding of administratively just how that adjustment will happen. On that basis, the parking for the restaurant has not yet been shown to be adequate. Our experience with the one space per two seats restaurant parking standard is that it is seldom too generous. The answers in this case appear to be to gain assurance that the overall site count will be satisfactory, reduce seating capacity of the restaurant, to find more parking, or to seek a special permit or variance. 2. Bank Vegetation (Section 4730 Site Design): The Bylaw requires "all banks exceeding 15 degrees in slope resulting from the site grading be retained with vegetative cover reasonably sufficient to prevent erosion." The plan calls for use of rip-rap, not vegetation. 3. Pedestrian crosswalk & connections (Section 3424(b) Access): A pedestrian connection from the N. Main St. sidewalk to the proposed sidewalk on the west side of the restaurant would allow pedestrian access from N. Main St. If the earlier mentioned 14 spaces east of the AGT easement are to be used, adding a pedestrian connection from them to the restaurant entrance would be helpful. Missing Information: 1. Floor plans were not provided. Where is the restaurant entrance? Where is the service entrance? Building elevations also were not provided, but are less critical at this point. 2. Information about signage is missing. He cannot determine compliance, and note #6 by itself is not sufficient assurance. Other Points: The Crossroads special permit limited total floor area on the premises, including this site, to 270,300 square feet. This building is 468 square feet larger than the one shown on the plans at the time of the special permit. The applicant should be asked to document that the limit is still being respected. It appears it is. About a year ago he raised the

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issue of interconnecting this site with the Dunkin Donuts site, and was told definitively that grading would not permit that. It is now too late to make that a requirement. It would be kind of the applicant to support having his engineers review the hazards created by Dunkin Donuts circulation, but he doubts that the Board would require that. In all other respects noted, the plan is in compliance and is consistent with their initial preferences, such as locating much of the parking behind rather than in front of the building. Circulation seems to work well, and except as noted, the submittals are clear and sufficient. The revised plan reflects a great deal of responsive improvement over the plan he initially reviewed and reported on to the engineers.

M. Dean points out that P. Herr has not seen this new reduced square footage building. He has the plan with the 6,500 square foot building.

EM understands that P. Herr said that the vegetation looks better than the rip rap.

L. Masiello refers to the permit which allowed them to have a steeper than acceptable slope requirement. Beyond a 2 to 1 slope the vegetation erodes and doesn't stay so they need to do rip rap.

M. Dean refers to the new layout for the sidewalk in the center with grades which are steep for a sidewalk. They will use the existing sign and put several on one sign.

Brief discussion relative to the special July 2, 1997 Planning Board meeting to review the revised Charles River Center. R. Frazier received the variance from the ZBA Wednesday night. The building didn't move.

M. Dean comments that the Fire Chief did not see this different plan with the change in the trash area to the rear.

WW asks how close the building is to the edge of the road?

M. Dean responds it is 40'. A firetruck would park in the road.

RL moves to approve subject to P. Herr's review of the plan and the Fire Chief's review of the new plans based on the 6,200 square foot building with 110 parking spaces. EM seconds. RL decides to withdraw and wait for plan revisions at the next meeting. EM moves to continue to September 25, 1997 at 7:30 p.m. RL seconds. Unanimous vote of 5 (WW, RL, AM, PC and EM).

R. Frazier identifies occupants of Charles River Center to include Linens & Things, Nature's Heartland, Chili's Restaurant and Hoyt's 14 cinemas. Review relative to revisions of Charles River Center scheduled for September 25, 1997 at 7:45 p.m. ZBA hearing relative to the Fafard sign continued to October 2, 1997. He talked with Steve Kaneb, Gibbs Oil about the Charter Gas

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Station who has purchased the property in foreclosure proceedings and will be sending a concept plan to P. Herr within one week. Gibbs was the tenant and now owns the land. They gave W/S land for the road widening and W/S gave them land on the side.

Clerk to send a letter to the Building Inspector relative to the Home Depot trailer storage and pallets which infringe on the parking identifying the Board's concerns over the use of parking at Home Depot.

Brief comments relative to glare at McDonald's Restaurant which is still persisting even though the Building Inspector cited them. R. Frazier thought the problem was resolved.

Andy May, Farm Street resident, advises Board that the ZBA did not allow the mini warehouses. Relative to the Fafard sign, the ZBA said they would take no action until the old sign is taken down.

### **CENTER RUN ESTATES DEFINITIVE SUBDIVISION DECISION** **IDEAL ENGINEERING DEVELOPMENT PLAN REVIEW APPROVAL**

Members review the decision which was prepared by P. Herr. EM moves to approve the Center Run Estates Definitive Subdivision decision. AM seconds. Unanimous vote of 5 (WW, RL, AM, PC and EM). Clerk to file decision with Town Clerk tomorrow.

Clerk advises that we received notification from P. Herr that the Ideal Engineering revised decision is now in compliance. EM moves to approve the plan, stamp and forward approval letter to the Building Inspector. AM seconds. Unanimous vote of 5.

### **BROOKSIDE ESTATES DRAINAGE REVISION**

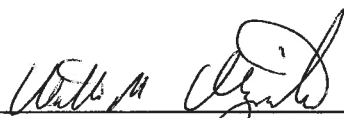
WW refers to letter received from Amory Engineers relative to their review of the revised detention basin which says that the original basin was too small and should have been bigger. That is contradictory to what Mr. Amory said during his initial review. Drainage review was requested by Conservation Commission.

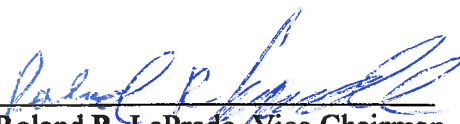
Board members sign Clerk's pay voucher and invoices for Minuteman Press, U.S. Postmaster and reimbursement for telephone expenses.

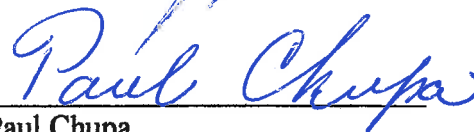
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Meeting adjourned at 11:37 p.m.

  
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William M. Wozniak, Chairman

  
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Roland R. LaPrade, Vice Chairman

  
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Paul Chupa

  
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Edward T. Moore

  
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Anne M. Morse