

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

NOVEMBER 13, 1997

Meeting commenced at 7:10 p.m. All members except PC were present. Planning Board Consultant Philip Herr was also in attendance. Minutes recorded by Planning Coordinator Valerie DeAngelis.

MAPLE STREET SCENIC ROAD CHANGES - PUBLIC HEARING

Tree Warden Michael Burr is in attendance since this is a joint hearing between the Planning Board and the Tree Warden. EM abstains and departs from the meeting room. AM moves to waive the reading of the legal ad, seconded by RL, carried with a vote of 3 (WW, RL and AM). EM abstains and PC absent.

Donald DiMartino, DPW Director, proponent for the Maple Street Scenic Road Changes, explains there are two intersections included in the legal ad at Rt. 140/S. Maple and Maple St. and Hartford Ave. This is a Massachusetts Highway Project between the town and the state. They will have \$470,000 in construction funding and will probably start in the spring. They are removing a cluster tree inside the driveway at 214 which is the house on the corner. They will try to transplant the bush or plant a new 100 mm (4" caliper tree). They will transplant one maple tree (18") on the other side which is very close to the area of construction. It might be saved. The stonewall at the corner of Maple and Rt. 140 will be relocated. They have a temporary easement on private property because it doesn't come in the town's right of way. P. Herr believes one of the trees they are removing is not part of the scenic road. D. DiMartino is not sure he is removing the tree. The recommendation is to go with 2 trees for every 1. The state pays for a 2 to 1 replacement. He is proposing 4 to 1. Michael Burr, Tree Warden, notes it is on the side where the power lines are. D. DiMartino identifies poles which might be an issue. 4 trees will be removed in front of #7 and there will be a sidewalk network from Maple St. and 140. They are off the edge of pavement so it is questionable if they will be removed. If they die, they will be replaced in kind. P. Herr refers to the buildings which were built by Celtic and have no pedestrian facilities. D. DiMartino indicates most of them are set in the driveways and set back. RL agrees there is no walkway there.

D. DiMartino discusses the Maple St./Hartford Ave. scenic road changes. There are no land takings. They are widening Hartford Ave. At the Stallbrook entrance/Senior Center and Fire Station, they are widening the roadway to the north to allow a turn lane. They will change the radius in the southwest corner to allow for viable vehicle traffic. At the line hedge, 9 bushes will be transplanted behind the sidewalk. 2 cluster trees and (4) 9" maples will be removed and replaced. A 12" tree will be taken down and replaced with (4) 4" trees. Across the street, 3 trees which are not part of the scenic road will be removed. They added (9) 4" caliper trees spaced 4' apart. Deputy Fire Chief Thomas Guerin asks if the hedges will interfere with the traffic view. D. DiMartino replies there will be a light there. The hedges are already there. There will be a stop line and it will be signalized. Maple St. resident Stephen Racicot asks what the width is at the end of Maple St. where it straightens out. What are they going to do there? D. DiMartino explains there is no proposed road widening at the end of construction. It matches up. He introduces Christa Erikson, the design engineer. They have worked with Chapter 90 funds and funds in lieu of a fee from the cinema complex. They are 115' from the intersection.

Gerald Henshel, 3 Maple St., asks if they are taking his house. They are talking about 2' from the corner of his house. D. DiMartino explains the sketch was pulled off the Assessor's map and shrunk down. The lot line is very close. Mr. Henshel asks how they can take the land if they don't own it. D. DiMartino points out they are doing work inside the town's right of way. Design Engineer Christa Erikson didn't do the deed research of the property. The right of way is accurate from the recorded information from the Assessor's maps. D. DiMartino states they are not doing any work inside Mr. Henshel's property. It is the town's property. Mr. Henshel states that according to his deed the right of way doesn't go where they are showing. The line goes straight this way and that (pointing to the plan). D. DiMartino will get Mr. Henshel a copy of the plan. Mr. Henshel wants to know how the right of way goes so close to his house. AM points out it is common for the town to own easements. Mr. Henshel believes the town is taking more than what his deed says. D. DiMartino to get Mr. Henshel a copy of the plan depicting the work the town is proposing. P. Herr suggests that Mr. Henshel get a copy of his deed to compare it. RL asks how long Mr. Henshel has owned his house. An easement may have been taken before he owned the house. Mr. Henshel doesn't think that makes any difference. It doesn't matter if he's been living in Bellingham 2 years, 20 years or 2 days. He should be treated the same. The house has been in his family as old as RL. D. DiMartino explains that if the town was taking Mr. Henshel's property, they would have sent him a registered letter. He agrees that Mr. Henshel's property is impacted the most. He is willing to get together with Mr. Henshel to discuss this further and asks to be sent a copy of the deed. This hearing is intended to comment on the trees. P. Herr agrees there is no land taking involved. There is no way anyone can take someone's land without their knowledge. Mr. Henshel states he is a taxpayer and it doesn't matter how long he has been there. D. DiMartino explains the construction work won't get going until late March or April 1998. He sent Mr. Henshel a letter to keep him aware of what is happening. He contacted people 6 months before the design started. Most of the other properties are impacted insignificantly. The work is being done in the town's right of way. Tree Warden Burr indicates the trees sitting within 3' of the pavement are definitely the town's property. D. DiMartino is willing to discuss this further with the property owner before the work will be done. This hearing is not to discuss the land. It is to discuss trees very close to the existing roadway. Mr. Henshel

asks about the 2 maple trees which will be cut down. D. DiMartino replies they will be cut and replaced with 3 trees in Mr. Henshel's front yard. They will put 9 trees across the street. They intend to propose maples. Tree Warden Burr notes that most of the trees are very decayed. D. DiMartino indicates that at the intersection, they will construct a signal with a cueing lane for a left turn since it is dangerous the way it is aligned now. Mr. Henshel doesn't see why it has to be that wide.

WW explains that we are here for the scenic road changes. Mr. Henshel asks why the location of the hearing was not included in the notice. He had to call 3 town offices and finally found out where it would be held from the police department. He checked the newspapers and there was nothing there. Planning Coordinator Valerie DeAngelis explains that she prepared the notice. It was her error that the location of the hearing was omitted. Town Counsel did advise her about the omission after the first publication 2 weeks prior to the meeting so she contacted the newspapers to insert the meeting location for the second publication 7 days prior to the hearing and it was re-posted in the Town Clerk's office. D. DiMartino posted on the trees twice, the second time with the location of the meeting. Ms. DeAngelis apologizes to Mr. Henshel for the mistake.

RL moves to accept the scenic road changes as proposed by the Department of Public Works, seconded by AM, passed with a vote of 3 Planning Board Members (WW, RL and AM) and Michael Burr, Tree Warden. EM abstains and PC absent. Stephen Racicot asks if people can be notified when the work will be commenced. D. DiMartino will probably put it on cable. He hand delivered and mailed the notice of public hearing for this hearing to all addresses. All trees were also posted with the notice so this is the notice. He will mention it at the Board of Selectmen's meeting so it can be on cable.

CENTERVILLE ESTATES REQUEST FOR PERFORMANCE BOND RELEASE

EM rejoins the meeting. Mark Staniscia, developer, presents a request for release of his bond for Centerville Estates. WW reads letter from Mark Staniscia, President, Creek Hollow II Building Corp., to D. DiMartino, dated November 10, 1997, requesting a final site inspection on Centerville Lane for final bond release. WW reads letter from D. DiMartino, dated November 13, 1997 wherein he notes the work of installing a bound and placing some loam and seed have now been completed. The road is an accepted town street and he sees no reason to retain any bond or security related to this street. WW reads letter from Mark Staniscia, dated November 10, 1997 requesting the release of his road bond for Centerville Lane. EM moves to release the remaining bond in the amount of \$1,300 plus interest for Centerville Estates to Mr. Staniscia, seconded by AM, carried with a vote of 4 (WW, RL, AM and EM). PC absent.

WESTON ESTATES DEFINITIVE SUBDIVISION **CONTINUED PUBLIC HEARING**

AM abstains and removes herself from the hearing room. V. DeAngelis spoke with Mr. Amory yesterday when he indicated that there were some issues pending which he expected to be

resolved by the next meeting. He has been in contact with applicant's engineer, Brad MacKenzie, who was unable to complete his plans because of other commitments but would be ready by the next meeting. He wanted to confirm that the applicant was in fact asking for a continuance or else he would prepare a letter for the Board at this point. He will have correspondence for the Board by the next meeting. P. Herr believes there were some pending issues. B. MacKenzie did contact him one week ago to clarify what was needed. Board members are concerned that the public hearing keeps getting continued with residents coming out to hear the issues. EM suggests that P. Herr contact the consultant to find out why this keeps getting continued and going on for months. Applicant's attorney Bruce Lord, Esquire, clarifies, it is not a problem with Mr. Amory but a problem with the manner it is followed through with the engineers meetings. It is not the overall review. It has been a continuing ongoing review. Mr. Amory didn't check the drainage calculations until the end of October 1997 or the beginning of November 1997. A lot of the delays are caused by the process. Mr. Amory has been very cooperative. WW notes that since the beginning the Board allowed for open communication between the engineers which was supposed to expedite the process. B. Lord believes it is a step by step approach which is being taken. Their engineer had to revise the plan a couple of times in the same area. In the past, Mr. Amory has had his employees conducting the reviews but in the past two instances Mr. Amory himself has done the reviews. It is a long term process. It is an action/reaction type thing. WW points out that this is a difficult subdivision. Every time we are dragging all the people out who live in the neighborhood just to tell them it will be continued again. B. Lord will be ready in December 1997.

Reference to leaching galleys and DPW's recommendation. P. Herr notes they were approved at the Crossroads Shopping Center. EM wants to hear from the DPW because they will be privately maintained. Board forwarded a letter to the DPW requesting their opinion of leaching galleys. Mr. DiMartino responded in his letter of November 13, 1997 he received a copy of the subdivision plan from Attorney Lord but the copy did not have any changes and appears to be the plan he first commented on. He leaves the implementation of his suggested changes to the Board but if the Board would like him to review any changes, he requests the developer deliver the revised plans to his office in sufficient time to prepare a comment letter. V. DeAngelis spoke with Mr. DiMartino prior to the start of this evening's meeting. He did not realize that the Board was specifically interested in his opinion of the proposed leaching galleys. Ms. DeAngelis provided him with the revised plan for his review before the Maple St. public hearing. Mr. DiMartino commented that he has no problem with the leaching galleys now. He did have a problem previously because of where they were located. P. Herr points out that if the Board doesn't want leaching galleys, we need to find out now. RL asks about the down side of the system. P. Herr responds they are difficult to maintain but the way they are designed right now is not a problem. In response to EM's question as to whether they will have big chambers like at Bellwood, P. Herr responds affirmatively. P. Herr thinks there are small details left to be ironed out. B. Lord didn't realize until after the last meeting that Mr. Amory hadn't reviewed the drainage calculations. P. Herr believes the things which are likely to be changed are small. The Board has seen what they are going to get. They are not talking about major changes.

WW reads letter from Sgt. George Buskirk, Safety Officer, dated October 17, 1997 wherein he states he has reviewed and approved the Weston Estates plan with the following suggestions: 1.

The intersection of Road A and S. Main St. should be constructed at the same grade or higher than S. Main St. This would allow vehicles an improved line of vision to safely exit Road A. 2. If the large tree located near the north boundary of Weston Estates and South Main St. is on Weston Estates property or town property, it should be removed. Attorney Lord notes that Road A will be built up at Amory's request. EM believes the same height would be better than lower. V. DeAngelis to check with Safety Officer to find out his opinion about the site distance specifically because he made no reference to that in his letter.

WW calls for questions from the audience. Nancy Doyle, abutter, 7 Roger St., didn't realize the number of detention basins had changed. WW notes the one behind her house has increased in size. EM reads his notes from previous hearings which state they eliminated 3 of the 5 retention ponds so they now have 2 retention ponds with leaching galleys. Ms. Doyle asks why it can't all be underground. Attorney Lord responds these are retention ponds rather than detention. They will retain the water. Ms. Doyle asks if the wetlands are on her property to which B. Lord responds he thinks they are partially on her property. EM moves to continue the Weston Estates Definitive Subdivision to December 18, 1997 at 8:00 p.m., seconded by RL, carried with a vote of 3 (WW, RL and EM). AM abstained and PC absent. P. Herr to contact Mr. Amory to find out what is causing the delays. EM moves to grant applicant's request for an extension to December 31, 1997, seconded by RL, carried with a vote of 3 (WW, RL and EM). AM abstains and PC absent. WW explains to the audience that the extension is for the timeframe for the Board to issue a decision. He also explains that abutters can call the Planning Board phone number here at Town Hall to find out if the next meeting will be continued. V. DeAngelis to place a recording on the phone if the meeting will be continued. B. Lord agrees to request another extension after the next meeting.

TOWN COMMON ESTATES PRELIMINARY SUBDIVISION CONTINUED

AM abstains and is absent from the hearing room. Project Engineer Joseph Giovinazzo, brings the Board up to date from the last meeting. He presents Board members with a copy of his November 10, 1997 providing comments relative to pending issues from the last meeting. 1. He submitted a topography map which shows the high point is close to the curb cut so a set of catch basins are not required at the entrance. In response to P. Herr's question of the distance from the high point to the catch basin, he replies it is 200'. P. Herr believes water will flow into the street or from the street into the road. J. Giovinazzo disagrees, the majority of the water from the street will go down into the 2 catch basins in the street. They will gutter so the water flows that way. P. Herr asks if they will have a positive grade for some distance. J. Giovinazzo replies it is a 340' distance. He talked with someone from state construction about Rt. 140, who indicated the earliest work will be commenced is July 1998. They will complete a state highway permit application and meet with them to coordinate construction. 2. He refers to Rule 22 and lots 4, 9, and 10 which P. Herr questioned at the last meeting. He provided P. Herr with additional calculations regarding the lots which he has shown do meet that requirement for lot shape factor. There is one lot that is 22.1 but he thinks the .1 will go away at the definitive stage. 3. Hydrants have been relocated as requested by the Fire Chief. One will be located at Tony Drive. The Fire Chief also asked them to add 2 additional hydrants which are shown on the revised plan. 4. The

entire parcel is not shown in a Business I district. The dash line on the plan shows the limit of the business district. The adjacent area shown is residential. The zoning line has no impact since they plan to construct a residential development. 5. They changed the proposed road to a lane. 6. They modified the cross section so it looks like a cape cod berm. P. Herr comments that it really doesn't. It looks like poured concrete. J. Giovinazzo will correct that for the definitive stage. 7. They would love to have sewer service but he has spoken with the DPW who said it is not available now. 8. They will try to loop the proposed water system to the adjacent subdivision to the west (Northeast Drive). They will try to obtain easements to connect and have prepared a plan which shows Northeast Dr. EM comments that he wants them to try real hard. 9. The estimated size of the detention basin will be 6,000 square feet but it may be a little larger than what is shown. It is not possible to determine the exact size of the detention facility at this time.

P. Herr indicates the Planning Board wants some stipulation in the approval, a condition the use of lots will be restricted to single family use. EM suggests it be included in the deed. J. Giovinazzo will discuss it with an attorney to find out the best way to do it. It is their intention to construct a residential subdivision. They will prepare something with the definitive plan. He will be happy to show it with the deeds.

EM asks the location of the retention pond. J. Giovinazzo responds it is between lots 6 and 7. They will try to put it where the water follows the natural drainage pattern. WW asks their intent for the Approval Not Required lot to the side. J. Giovinazzo replies if it is buildable, they will do a single family home. They will have to determine the wetlands issue to decide whether or not it is significant enough or if they can build a home.

WW calls for questions from the audience. Mr. Kempton asks where the road is going in off Rt. 140. He also asks the locations of the curb cut and retention pond. EM replies the road is closest to Mr. Kempton's lot. J. Giovinazzo points to the location of the retention pond on the plan. He asks how close the water line is to the water line at Judy Lane. There is much more water there because there is a bigger main to Depot St. since it is feeding Rose Ave. and Judy Lane. EM indicates that will be shown at the definitive stage.

EM is not crazy about the 81-P lot. He moves to approve the Town Common Estates Preliminary Subdivision for 11 lots north of Mendon St., seconded by RL, carried with a vote of 3 (WW, RL and EM). AM abstains and PC is absent. EM notes the Board is approving the preliminary subdivision with the understanding the applicant will make every effort to loop the water main to either Northeast Acres or Judy Lane. Approving the preliminary doesn't mean the definitive subdivision will be approved. The Board could still deny it if it is not right or if it doesn't work. V. DeAngelis to prepare preliminary subdivision decision to include reference to deed restriction, prohibiting business use and water loop.

BEL-AIR GARDENS DEVELOPMENT PLAN REVIEW

AM rejoins the meeting. EM abstains and leaves the hearing room. Bruce Lord, Esquire, introduces applicants Mr. and Mrs. Howard Wilson and Paul Sarapian from Douglas

Construction. This is set up like two lots. The second lot is the retail garden business and the existing house. The pink highlight on the plan depicts what is existing at the present. They intend to tear down the existing 3,400 square foot building and replace it with a concrete block building to open the building 6,200 square feet. They are adding 2,800 square feet to the existing building. The driveway through and around the building is wide enough to take care of truck traffic. They have an additional 18 acres in the back. It is all paved in the area. The building will have concrete block elevation along the side and down in the back. The applicants want a wide open space to show off their furniture. The total floor area will be 6,280 with 3,360 for the existing building. The 3,400 will be removed so they are adding 2,800 square feet. It is not a huge change. The total area does not require a sprinkler system. They have been in discussions with the Board of Health relative to Title V issues. Relative to the letter sent to the Board by DPW Director Donald DiMartino, there is parking at the existing house for 4 cars which backs out into the roadway. He shows the Board a picture of the existing building. Applicant Howard Wilson explains there are 2 gates which go all the way around and are closed at night.

P. Herr did not review the plan because it was not adequate. No topography is shown. If we go through the submittal requirements, they are absent a great deal of information. B. Lord believes they have given the topography of the area. P. Herr notes they gave a copy of the town's topo map. How will they handle the drainage? This plan doesn't satisfy the set of requirements. B. Lord points out the topography is unchanged. P. Herr indicates they need to show that. The Board needs documentation, not just a description at a meeting. He raised the issue with applicant's construction company. The gentleman said it is such a big site, they don't need to be concerned with that information. Paul Sarapian agrees. His father was handling the plan but he is the guy to blame for allowing it. His father had knee surgery last week so he stepped in. There wasn't time to provide all the required information before tonight's meeting. He has been to many Planning Board meetings and knows what is required. The topography will not change at all. After the building is done, it will not be changed at all. This is a 48,000 to 49,000 asphalt site so there is almost minimal change. There is a 6% slope. AM believes that P. Herr should have this information provided to him so he can review it prior to the meeting. P. Sarapian continues that the existing house will be torn down in a reasonable period. Water was getting into the sump but now goes into the septic. There was some kind of drainage in the past with a drainage culvert.

V. DeAngelis reads November 3, 1997 letter from William Fisher, Health Agent, wherein he states that it has come to their attention that Mr. Howard Wilson of 870 S. Main St. is planning to erect an addition to his business, Bel-Air Gardens at this address. This building also houses a lawyer's office and two apartments. Mr. Wilson also owns property at 866 S. Main St. which is a rental property with one family living there. Mr. Wilson was cited under 105 CMR 410.000 State Sanitary code on October 9, 1996 (copy enclosed). The problem still exists as Mr. Fisher investigated a complaint on October 21, 1997. This office is in the process of notifying Mr. Wilson that there is a problem with sewage and gray water on his property that he must correct immediately. The Board of Health requests that the Board take these problems into consideration when conducting the review of Mr. Wilson's Development Plan. Mr. Wilson has 2 lots, one of which is 866 S. Main St. He did have engineers design a septic plan which cost him \$12,000 which was very expensive. He did ask the tenants to find another place to live because the house

needs repairs. He has been pumping 866 S. Main St. and 874 S. Main St. had suds going to the sump pump which disperses to the driveway. He had a plumber come in and fix the problem. The waste set tub was going into the septic but that is not happening any more. V. DeAngelis spoke with Board of Health Clerk Mangano who relayed that the applicant was cited last year but the Board of Health held off because a septic plan was brought in. The applicant did not follow through with his plans and he will be cited again. They are preparing the citation.

WW asks how the Board can proceed since this is an incomplete submittal. AM questions if there are zoning issues because these are all pre-existing nonconformities. B. Lord notes the property includes the neighboring house. P. Herr agrees it is a separate lot in the same ownership. The house on the left will be torn down. He asks what will happen to the land where the existing house is to which Mr. Wilson replies he hasn't thought of that yet. P. Herr refers to the DPW's concerns and suggests they could move the parking. V. DeAngelis reads letter from DPW Director Donald DiMartino, dated November 13, 1997, wherein he states he has briefly reviewed the plans his office received for this building addition. The building construction should cause no additional adverse effect of the Town's roadway, water or sewer facilities. However, the existing property has a serious traffic safety problem related to its parking plan. This property has a very long uncontrolled driveway entrance. Vehicles can park in the front of the building and need to back out onto Route 126 leaving the building. The ideal arrangement would be to have two well-defined driveways and curbing along the rest of the frontage. He is encouraged to see that the plan shows no parking spaces along the street. He hopes this means the existing parking in the front of the building will be eliminated. The DPW will gladly install granite curbing and a new sidewalk along this frontage. They will also construct 2 driveways. He has enclosed a copy of the proposed configuration which he would like to see for this property. This seems an ideal time to improve a poor configuration. If the proponent is willing, they will schedule work for the next construction season. Mr. Wilson has talked with D. DiMartino and will meet him on the site to try to resolve it. P. Herr believes that the drawing which Mr. DiMartino sent over with a sketch proposing sidewalks and curbing is a legitimate solution. Mr. Wilson points out that Mr. DiMartino did not realize that people live in that house and use that parking. He thought the parking was part of the business. They could possibly reduce it and put it on an angle to back up.

B. Lord notes this was all rezoned to business several years ago. There are 20 acres of land total between the 2 parcels. The applicant's main concern is getting the foundation in before the ground freezes. He would like to have that ability at his own risk. He confirms there are 23 parking spaces total even though 19 were indicated on the application as indicated by V. DeAngelis. V. DeAngelis reads November 18, 1997 letter from Thomas Guerin, Deputy Fire Chief, wherein he states he received a plan showing the proposed addition to Bel-Air Gardens, at 874 S. Main St. The plan is very vague in its site overview and with that the Fire Dept. would like to comment on the following: The plan does indicate that the addition is smaller than 7,500 square feet and will not require sprinkler protection as per Town Bylaw. The only concern the Fire Dept. has in the absence of sprinkler protection would be access to all sides of the building. On Monday, November 10th, he spoke to Mr. Howard Wilson who assured him that there will be a minimum of a 25 foot roadway around the property. The Fire Dept. would ask the Board to incorporate a 25 foot roadway as part of the site approval. In attendance, Deputy Chief Guerin confirms he was

told that he can get a tractor trailer around the building and it is better than 25'. He doesn't think this is an unreasonable safety precaution. He must have what he needs in order to get fire equipment down there. P. Sarapian believes there will be a problem getting around the corners in the back. It is more roomy in the back with the parking.

RL refers back to Mr. DiMartino's letter relative to the parking out front. He asks why they aren't parking along the side and landscaping the front instead. What happens behind the house? Why can't they put the parking there? B. Lord received a copy of the letters today. There is a backyard in the back. He will see what is there. He was just retained today. AM would like to continue to give P. Herr time to look at the plans and for them to talk with D. DiMartino, seconded by RL. Applicant to submit drawings which meet the requirements. P. Sarapian did look at it one week ago. The problem is the applicant wishes to put the foundation in at his own risk. RL states it isn't the Board's recommendation but they can ask the Building Inspector if he wants to allow that. AM doesn't believe that is in this Board's authority. P. Herr refers to Hoyt's cinema where the Planning Board notified the Building Inspector that it was allowable for the applicant to put in their foundation pending completion of the requirements. WW agrees they came in and the Board allowed them to do the foundation but we are still waiting for the plan. P. Herr notes the Charles River Center has reached agreement on the plan which is in accordance with the recommendation but none of the plans submitted are perfect. The question here is if the foundation will move when we get more information. Does it pose risk to the public if the foundation moves? The issue is where the parking will wind up adjacent to the house. It may be permissible for the Board to authorize the Building Inspector to allow the foundation at the applicant's risk as long as it doesn't proceed beyond that. P. Sarapian refers to foundation with a 4' front line below the frost line with 3' up and 4' down in the back because of the contours of the property. It will be slab on grade. Mr. Wilson notes that time is the factor. They were hoping to get the foundation in for the winter to help save months. AM is not comfortable with being pressured to allow this and votes to continue the Bel-Air Gardens Development Plan Review to December 18, 1997 at 8:30 p.m., seconded by RL, carried with a vote of 3 (WW, RL and AM). EM abstains and PC is absent.

CENTRE PARK ESTATES DISCUSSION

EM rejoins the meeting. V. DeAngelis explains this is an old subdivision which was originally approved in 1965. Realtor Susan Stivaletta called because she has a client who is interested in the part which was never built. Research of the files indicated that the subdivision was revised in 1972 but apparently the road was never completed so the town sued the insurance company which held the bond. The most recent correspondence in the files was a request for answers to interrogatories. A phone conversation with Town Counsel indicated that an 81-P was approved in 1972 when it was determined that a subdivision was not necessary. The insurance company was not aware that there was no subdivision and did settle with the town to reimburse for the road bond. Ms. DeAngelis drove down Susan Lane which is a road with two cul de sacs with vacant land at either end. A check with the Town Clerk confirmed that neither Sharon Rd. nor Susan Lane are town accepted ways. Ms. Stivaletta was asked to come to this meeting with Mr. Francis Molla, prospective developer, to discuss the status with the Board.

Attorney Bruce Lord who represents abutters of this property indicates there is a problem with this since it is not a subdivision. P. Herr believes there was a subdivision. B. Lord explains it was first approved in 1965. The owner died and a new developer came in with a subdivision and then one week later came in with an 81-P. He has researched this parcel and there is no subdivision on record. Mr. Molla is looking to buy a piece of land with 5 lots for lots 28 to 32. He doesn't know the direction to go in so is here requesting the status. B. Lord points out there is no frontage in an accepted subdivision. There is no street, just a piece of land. Deputy Chief T. Guerin thinks the property is a swamp and is very wet. Mr. Molla is not here to present anything. He just wants to know the status of the property. Realtor S. Stivaletta points out the property was owned by the same gentleman for 8 years and he thought they were buildable lots. She confirms that R & F Realty owns the 5 lots. B. Lord indicates that Greenleaf owns the rest. AM wonders if they are paying taxes for buildable lots. P. Herr believes there was drainage but someone swiped the drainage inlets. F. Molla decides that he is not interested the parcel.

BRIEF DISCUSSION RE: VICTORY HEATING & AIR CONDITIONING DEVELOPMENT PLAN REVIEW

A revised plan was received from the Eric Greene, Sells/Greene Building Company, representing applicant. They retained two driveway entrances to the property. One was moved slightly. They will destroy 2 maple trees but will keep the oak tree. Board members and P. Herr review the plan and determine there is no basis to deny the Development Plan Review.

V. DeAngelis reads October 27, 1997 letter from Deputy Chief Guerin wherein he indicates that after reviewing the revised plan and after visiting the proposed construction site, it is now his opinion that Victory Heating and Air Conditioning will no longer be required to add a yard hydrant, as first requested. However, the "Post Indicator Valve" and "Fire Department Connection" are still required.

Board voted at the last meeting to approve the Development Plan pending P. Herr's review of the revised plan. V. DeAngelis to forward a letter to the Building Inspector with the stamped approved plan with today's date.

MASTER PLAN DISCUSSION

Board members received a copy of the Master Plan Steering Committee Memorandum, dated November 5, 1997 from Chairman Guy Fleurette advising of forthcoming meetings to finalize the Master Plan. Board of Selectmen meeting to be held on November 18, 1997 at 7:00 p.m. in the Community Room. Planning Board meeting scheduled for December 18, 1997 at 7:30 p.m. in the Town Hall Annex. Conservation Commission meeting will be scheduled at a later time with notification under separate cover. Accompanying the memo is the Tasks, Timing, Troubles and Triumphs: Master Plan Implementation, prepared by Herr & James Associates, dated November 3, 1997. P. Herr suggests Board members review the material in anticipation of the December 18, 1997 meeting. He explains the Implementation document takes the Master Plan and arranges it under each agency as to when the timing of when each item will get done. Implementation will be

discussed at the Planning Board meeting. There is a lot of technical work involved. They will try to estimate the hours and the time it will take for the Board to consider the issues. A number of things can be folded into a single bigger proposal. Some people would like to see many things done at the next Annual Town Meeting. The Master Plan Steering Committee hasn't heard from the Conservation Commission but has heard they are swamped with work. There are issues with the Conservation Commission that simple questions cannot be answered but he has heard they will be requesting staff to handle the workload. Town Counsel Lee Ambler has addressed the issue of how the work will get done. The technical answer is the town will hire people, staff and consultants to handle the work. Relative to political questions and policy organization that will deal with long term planning, there is no conclusion at this time. B. Lord refers to a problem with perpetuating the Master Plan Steering Committee. The overview should come to this Board rather than the Master Plan.

FY 99 BUDGET DISCUSSION

P. Herr received a phone call from Town Administrator Denis Fraine relative to the possibility of the Planning Coordinator position coming under P. Herr's consulting services. Apparently there is a disparity between the way the Planning Board employee is paid and other town employees. The suggestion was to make the position no longer a town employee. Services would be provided through the consultant capacity. D. Fraine asked him if he could do that through his firm. His response is that he can but there are other issues.

EM asks what happens if the employee stops working or P. Herr retires. P. Herr responds that if V. DeAngelis quits, the arrangement would stop. He has no intention of retiring and is good for at least another year. He has done this before. The employee would not come into the office, is not an employee but is a subcontractor. He suggests the Board seek a nonclerical position with a change in duties, job title and qualifications to better reflect the reality of what the position entails. Board members advise they have already accepted a job title change to Planning Coordinator from Planning Board Clerk with a new job description, a copy of which has been forwarded to D. Fraine. In response to EM's question of whether the employee would continue to complete the minutes which is clerical, P. Herr responds she would but that is only a part of the job. She does more than clerical work.

WW requests that \$8,000 be requested for addition to the Planning Board budget for FY99. \$6,000 additional to pay the Planning Board employee \$12,000 for FY99. The additional \$2,000 is requested in anticipation of an increase in workload and expenses due to the Master Plan which will encompass lengthy notices thus requiring additional advertising funds.

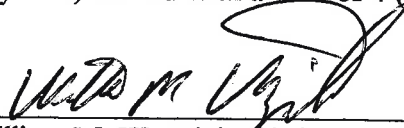
GENERAL BUSINESS

V. DeAngelis updates Board members on the status of the Woodlands performance bond. Town Treasurer phoned asking the Board how to handle the remaining \$6,000 bond since it is in the name of developer Leo Mayewski who recently passed away. V. DeAngelis phoned Town Counsel who advised that since the passbook is in the name of Mr. Mayewski solely rather than

Pentad Realty Trust, Town Treasurer would have to use the signed withdrawal slip to withdraw the money and set up a separate passbook in the name of Pentad Realty Trust, with Mr. Mayewski's son's name and his wife's name. Town Treasurer will discuss it further with Town Counsel. The \$6,000 remaining bond is needed to complete the cul de sac at the end of Stonehedge Road.

Board members request that V. DeAngelis contact D. Fraine's office to reserve one or two tables for the Planning Board for the town Christmas party. Also to contact PC and R. Dill to confirm whether or not they would like to attend the Friday, December 19, 1997 party at 6:30 p.m. at the Coachmen's Lodge. Town Common dedication scheduled for November 22, 1997 at 12:00 Noon.

RL moves to adjourn at 10:30 p.m., seconded by AM, carried with a vote of 4 (WW, RL, AM and EM). PC absent.



William M. Wozniak, Chairman

Roland R. LaPrade, Vice Chairman

Paul Chupa

Edward T. Moore

Anne M. Morse