

**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**

**DECEMBER 18, 1997**

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

**GENERAL BUSINESS**

The Hixon Farms bond reduction request which was scheduled for this evening is rescheduled until the next meeting on January 8, 1998 at 7:00 p.m.

Board members sign invoices for Philip B. Herr, quarterly consultant fee in the amount of \$3,000, reimbursement to V. DeAngelis in the amount of \$60.82 for 1998 weekly calendar books and print cartridge for Hewlett Packard, \$64.00 for stamps and \$14,092.09 to P. Herr for Master Plan.

Board members sign minutes for April 24, 1997, July 2, 1997 and August 21, 1997 all of which were previously approved but not endorsed.

PC moves to accept the October 9, 1997 and October 23, 1997 minutes, seconded by AM, carried with a unanimous vote of 5 (WW, RL, AM, PC and EM).

Brief discussion relative to the sidewalk and road at the Crossroads Shopping Center which will be further discussed with developer later on this evening. P. Herr notes the developer tries to adapt the buildings to the client interest. The road which is smaller is now 18' wide. What was a bad curve is now worse. P. Herr forwarded a memo to V. DeAngelis in response to questions from Chairman Wozniak. A copy of the memo was forwarded to D. Fraine who sent it to W/S Development Robert Frazier who moved the curb. P. Herr had understood they would move both sides. WW notes the curb on the building side was moved but not on the other side. WW asks if they need a waiver for the steepness of the curve, but P. Herr responds they don't need it. WW believes it is dangerous because one can't see around the building until it is too late. This issue will be raised with Mr. Frazier later on this evening.

**DISCUSSION WITH MASTER PLAN STEERING COMMITTEE RE: IMPLEMENTATION**

Master Plan Steering Committee Chairman Guy Fleurette indicates that all Board members should have received a package relative to Master Plan Implementation. P. Herr prepared tasks and issues which fall under the various Boards. They met with the Board of Selectmen and the Conservation Commission. This is the last Board they will meet with before preparing the final report. The process started through the Planning Board and will finish with the Planning Board. They are here looking for input and issues relative to adoption and implementation of the Master Plan. The response from the Board of Selectmen was overwhelming which gave them a sense of accomplishment. They are willing to provide leadership to see the Master Plan implemented at the appropriate time. The question is how to make sure the comprehensive Master Plan goes forward. It is not intended to be a document which sits on the shelf. This is intended to be a guide for directing the efforts on how the town proceeds over the next 10 years.

EM refers to traffic related actions and asks if they were put in as safeguards. Problems arise when the Board asks for something to be done and it is not done. WW hopes Selectmen will stay for the discussion later on this evening.

RL is also a member of the Master Plan Steering Committee and asks about having a 40,000 square foot lot minimum put into the Master Plan. AM asks what someone who owns a 20,000 square foot lot will do. EM indicates they are pre-existing and would be exempt. P. Herr recalls a discussion with the Steering Committee and the Board relative to the remaining land which is available for building under 20,000 square foot zoning. He thought the answer was no because there is not much land available. Tom Burkholder, also a member of the Steering Committee doesn't know how many lots there are in order to consider taking 20,000 square foot lots and requiring 40,000. PC believes there is more agricultural land than residential. DPW Director Donald DiMartino indicates they did a forecast for the year 2065 which did not show a significant increase from now: dwelling units will increase from 7227 to 7392, population from 16,780 to 17,308, school enrollment from 3,124 to 3,247 and employment from 10,160 to 10,328. P. Herr asks why RL would like to see larger lots to which RL replies he thinks the larger lots will propose larger homes. The majority of the homes in Bellingham are in the lower price range. 95% of the homes are under \$150,000. AM disagrees. She has been looking for a home with her daughter and there is not much availability in the lower price range. G. Fleurette indicates they were considering the larger lot requirement but with the figures it became evident it would not produce a significant change in demographics or houses. The issue is affordability and the neighborhood where the land is. It could become a hardship in some areas. Selectmen Chairman and Steering Committee Member Jerald Mayhew agrees with RL about the 40,000 square foot lots. If we look at the numbers, as homes turn over there are more starter homes on the market. Looking at 40,000 square foot lots will attract homes in the \$200,000 to \$300,000 price range. With less property there will be less homes. AM believes that will happen with agricultural land. She has seen \$150,000 range homes with 8,000 square foot lots. EM refers to Hixon Farms which has more expensive homes on 20,000 square foot lots in a cluster. J. Mayhew reaffirms the Selectmen, Conservation Commission and the Steering Committee are all

behind the Master Plan. They are willing to help with the financial arm, administrative or legislative area. The Selectmen and the Conservation Commission are enthusiastic about the Plan.

WW asks when they will go forward with the traffic implementation portion. P. Herr met with a representative of the largest developable tract of land in Bellingham to talk about what they would like to do and what they can do under the current zoning which is different from what they want to do. He also had a phone conversation with another landowner. P. Herr went through each item and itemized the amount of time required for implementation including preparation and drafting. He also determined how much time the Board needs to discuss it. Usually the Board will hold a discussion and direct P. Herr to draft it. He will bring it back and the Board will hold another discussion and then a public hearing. He estimated it involves more than 60 hours of meeting time for the Planning Board to get an issue through the agenda. It is unlikely the Board would be able to spend more than 1 meeting a month. 60 divided by 12 would equal 5 years of work on the Board's part but we don't want to wait 5 years. He estimates professional support time would equal 130 hours which is out of scale with what he normally does outside of meetings with the Board. They could hire a professional but the bulk of it is with the Planning Board. The Board could think about changing their usual pattern and move ahead. He suggests having a couple of workshops on Saturdays which are outside of the regular Planning Board meetings. They need to determine the sense of urgency and prioritize. He discusses items which would require urgency including "Develop Flexible Residential Zoning." "Revising Subdivision Regulations for Higher Value Development" is a hard job. D. DiMartino has suggested ways to change the Subdivision Regulations. He refers to the Stormwater Management Policy, part of the Rivers Act is a part which has made a profound change in the way development is regulated in Massachusetts. The way stormwater is handled is a difficult issue. They are answering the requirements of the DEP which are satisfied even though they are not in the Subdivision Regulations. It calls for a different relationship between the Planning Board and the Conservation Commission. He thinks the Board can get through a lot of this for the Town Meeting. Flexible Residential Development will be ready for the next Town Meeting.

G. Fleurette indicates the Stormwater Wastewater Management is big for the Conservation Commission. We all need to come up to speed and implement this. The Conservation Commission needs to organize differently and they need manpower. They also need to come up to speed with the new regulations. They are already big tasks outside of the Master Plan. He suggests Board members may want to set up subcommittees to study issues like the Board of Selectmen do since it is impossible for all of them to attend the various things. They set up subcommittees based on their interest and expertise. Some items are tackled through procedures. The people on the Master Plan Steering Committee may be interested in serving on a subcommittee. The Board of Selectmen cannot operate as a whole in all things. If the Planning Board needs manpower, they need to define that and look at it. The Steering Committee hopes to get the final report by March 1998. J. Mayhew explains they are here looking for support to bind this together. This is a concept, idea for which we are getting together to make the quality of life better in Bellingham for more people. RL indicates that when the Steering Committee met with the Board of Selectmen he was under the impression that the Selectmen would take on the role as

facilitator of the plan. G. Fleurette agrees they can make sure it is followed through on the degree that they can. Suggestion to use articles at the Town Meeting to make Boards submit report relative to the various tasks and needs including manpower. They do not expect the Planning Board to take this on all alone. Suggestion to use manpower, subcommittees and study groups to assist in implementation. PC states there have been plans before but Boards have gone their own way. This is a good thing to get all Boards to work together. G. Fleurette indicates adoption of the Master Plan belongs with the Planning Board. The comprehensive Master Plan identifies what falls under the various groups and identifies the major tasks which falls under this Board. Changing elected officials should not change the focus of the Plan. This Plan gives the town the means to control their own destiny. It is very clear to the public that this is a task for anyone who serves on the Board. RL asks if we are at the point to accept the plan to which G. Fleurette responds not tonight unless the Board wants to. There will be a final report with minor revisions. P. Herr asks how the town will give coherence and guidance once the plan is adopted. Suggestion to come back in January 1998 with a focus on discussion to get input. G. Fleurette agrees it would be a good idea to meet again in January. Further discussion scheduled on January 22, 1998 at 8:00 p.m.

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

AM abstains and removes herself from the hearing room. RL abstains and removes himself from the hearing room because he has done work for applicant's attorney, Bruce Lord, Esquire.

Bruce Lord, Esquire, introduces Brad MacKenzie, engineer and Chuck Morno, Trustee of Rt. 126 Bellingham Realty Trust who are also present. This is a 19 lot subdivision with 2 roads; Buffy Road comes in off Indian Run Drive and Penny Lane comes in off S. Main St. 8 lots enter near Charlie's Tire where there is a slight crossing of the wetlands. Most of the discussion with the engineering consultant has been relative to detention ponds. There was a question with a tree at the entrance which they can take down since it is in the town's way. They are still in discussions relative to Buffy Road relative to the water line. They will put in the water easement which could be done later. He points out the drainage galleys, detention pond and swale. There have been changes in compliance with the engineer and there are still a couple of changes which are minor.

Engineer Brad MacKenzie finished with Amory for the drainage design per the December 12, 1997 letter. They also responded to P. Herr's October 23, 1997 letter wherein he requested they provide an overlay of the proposed right of way as seen in relation to the existing vegetation. The Regulations do not define outstanding trees but they attempted to identify tress which are over 12" in diameter and are worth saving. There is a minor wetland crossing. He identifies a 24" tree they are planning to retain. Plans were developed by aerial photography. He added a note to the plan which says the developer will retain any outstanding trees. He plans to meet with the Tree Warden on site. New trees will be planted as directed by the Tree Warden to comply with the Town's Regulations. Buffy Road is heavily wooded. Most of the trees are 10" to 13" in diameter. There are trees at the intersection of Indian Run Road. He added notes to the plan that they will retain trees at the entrance. He also added the same note relative to retaining the

outstanding trees and meeting with the Tree Warden. They did add street lights to the subdivision plan. He also met with the Fire Department and satisfied their concerns relative to the hydrant locations. They agreed that the hydrant across the street will not be necessary. They agreed to add an additional hydrant at Buffy Road at the intersection and construct additional hydrants at 400' intervals with the last one being at the end of the cul de sac.

B. MacKenzie discusses the December 12, 1997 letter which the Board received from Walter Amory, consultant engineer. Comment #1, they agree to the stainless steel trash rack. #3 in order to build up and create the embankment, they will bring down the 3-1 slope. He doesn't think the developer will remove all the vegetation. P. Herr suggests that #4 be discussed later on. #5 relative to site distance: V. DeAngelis spoke with Safety Officer Tim Buskirk who also forwarded a letter. He has no problem with the site distance as long as the tree is removed. V. DeAngelis reads Sgt. Buskirk's October 17, 1997 letter wherein he states 1. The intersection of Road A and S. Main St. should be constructed at the same grade or higher than S. Main St. This will 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 S. Main St. is on Weston Estates property or town property, it should be removed. B. MacKenzie agrees that portion of the roadway will be higher than 126. They are proposing to fill the wetlands. Relative to #6, they are filing with the Conservation Commission on January 2, 1997. The plan was revised to show the wetlands replication. Comment #7 indicates the detention basin maintenance will be taken care of by a homeowner's association but that is not true.

EM asks about #8, reference to the Chestnut Hill Condominium drainage which has not been completed. B. MacKenzie responds they assumed full development in the analysis with no detention. Brief discussion follows relative to the Chestnut Hill Condominium detention pond which failed when it was known as Crestview Commons and the detention pond blew out. B. Lord believes the pond is working as it now exists. WW states that no other buildings were to be built until the detention was completed. The developer is in bankruptcy. We should notify all Boards that no permits are to be issued. V. DeAngelis believes the property has been purchased because it was discussed at the Board of Health meeting on Monday night. B. MacKenzie modeled the drainage without any detention of any kind on off site areas. He assumed full development in the areas off site. He also assumed no detention to be conservative. P. Herr agrees that is the worst case so the drainage was designed to handle the worst case scenario. B. Lord discusses the Crestview Commons sheet flow which went across the abutting neighbor's backyard and pooled in the wetlands and flowed into the wetlands. EM notes that this catch basin is 6' above grade which is exactly the same situation as with Crestview. B. MacKenzie explains that just the corner is higher and then it drops 10' - 12'. By building up, it means it is 6' higher than grade at this location. P. Herr explains the other detention pond was excavated into the hill and was 2' below the water table which created the pond. He identifies 2 issues: 1. The way they built the dike and the relationship to the water table. B. MacKenzie notes these embankments are a 3 - 1 slope. The top level is 8' wide and down 3 - 1 slope. P. Herr does not believe it is germane whether or not the Chestnut Hill detention is done because the engineer assumed no detention. B. MacKenzie believes the water will end up in the wetland. Whatever is intercepted in the roadway will go into the catch basin system. He sized the pond and modeled it without

any pond at Chestnut Hill. WW asks what happens if the pond fails. B. MacKenzie would not expect it to fail. Mr. Amory had no concerns. The client had the wetlands flagged. It was much smaller than it is today. Because the Crestview Commons detention was not built according to plan, it flooded this property and increased the wetlands. He had scheduled a meeting to go to the site with the Safety Officer and staked the centerline but the Safety Officer had to be in court on that day. WW asks if the Fire Dept. checked the hydrants to which Deputy Fire Chief Thomas Guerin replies affirmatively. V. DeAngelis spoke with Mr. Amory yesterday when he stressed that in order for the leaching galleys to work properly, they must be maintained and cleaned out periodically.

P. Herr believes there is agreement within the Board relative to the basic road design. We are left with a series of mechanical details. He refers to Mr. Amory's Comment #4 relative to the roadway slope easements. The drawings call for grading outside the street right of way which the easement will allow to be done. We should prevent conveyance of any lots until that is done. The easier way to address it is to require the lots on Buffy Road be covenanted and not released from conveyance until the grading is accomplished or an easement is provided. Relative to maintenance, the developer will provide maintenance to the outside for the first 2 years. Before the time is up, they will figure out what they have to do to maintain it in perpetuity and provide a sum of money to do that. They will not depend on a homeowner's association to take care of the maintenance. The town will take care of it. D. DiMartino is amenable to that provided there is a sum provided to maintain it. Not more than half of the lots will be sold until the maintenance sum is provided. There is no experience in this town with leaching galleys so it is important that we have the 2 year window to find out what the maintenance will be. B. Lord asks about having the lots released before the 2 year time period. P. Herr doesn't know about the size of the bond. P. Herr did draft a decision for the Board's review. One of the conditions of approval is that the drawings be revised. EM feels that one side works and one doesn't. He doesn't think the 126 side works with having a street coming out at the bottom of the hill with the valley. He doesn't see the benefit if people can't see. This is at the bottom of the hill with a slight curve. He suggests blocking the road and letting it go through the wetlands. B. MacKenzie refers to the preliminary filing when the Board received a letter from the Conservation Commission that the crossing was not permitted because it far exceeded the 5,000 square foot allowable crossing. B. Lord believes this complies with the Regulations as it is. B. MacKenzie indicates that if they move the entrance further south there will be more of an issue with the corner. EM thinks they are creating a blind spot.

WW calls for questions from the audience. Nancy Doyle, 7 Roger Street, behind the detention pond, asks who will maintain it. Will there be a homeowner's association? B. Lord responds negatively, it will be maintained by the town. EM explains the developer is responsible for the road and the infrastructure including the drainage. It could be the same person who builds the houses but it doesn't have to be. The developer could sell the individual lots which could then be built by different people. N. Doyle asks who she will go to if the detention pond fails and goes into her backyard. Is it the town or the person who lives on the lot? B. MacKenzie explains the natural contours along the backyard all flow towards the wetlands so it would go into the wetlands. B. Lord states that if it happened during the development stage, it would go to the

person doing the work at the time. 10 years from now it will be the town's responsibility. N. Doyle asks what happens if they don't put in the 6' chainlink fence which is required. WW replies that is part of the agreement, is in the decision and on the plan. The town of Bellingham will maintain it when the road is accepted by the town. Before then, the developer will maintain it until the road is complete. Linda Chartrand, 810 S. Main St. has difficulty getting out of her driveway so she is concerned that if they build the road higher than Rt. 126, it will be near impossible. Dave Brady, Partridge Trail has wetlands issues and is concerned about where the water ends up in the retention pond on Partridge. A couple of lots didn't perk. B. MacKenzie is not done perking. D. Brady indicates there is a lot of water. Does it go into the wetlands? B. Lord explains it will not flow to the Partridge retention because Partridge is above it. D. Brady refers to the wetness of the property and the high water table. WW notes that when this goes to the Conservation Commission it could be shot down even if it meets all our Regulations. This Board looks at the drainage and the ConCom looks at the wetlands. B. MacKenzie identifies 2 detention ponds they will have and 2 sets of leaching galleys.

Relative to the site distance, P. Herr indicates the applicant's engineer says they have more than 400'. Maybe the Board needs a more detailed examination of the site distance especially with regard to how hazardous it is in light of the grades. The Safety Officer does not have a technical background to make those determinations. The Board could move on this now or engage a traffic engineer to review the site distance. They would need the analysis information to use as a basis if the Board does not accept this subdivision. WW asks about the issue in raising the road which creates a hazard for the abutters next door. B. Lord believes it would cost between \$2,000 and \$3,000. P. Herr explains that someone engaged by the town will do the analysis but the applicant will pay for it. He could circulate the draft decision. WW asks if the drainage is separated. B. MacKenzie replies they are 2 completely different systems. If the Board denies the Rt. 126 part of the subdivision it would impose a hardship on the applicant and what they could do with the land under the Wetlands Protection Act. Relative to filing a limited crossing, the Conservation Commission makes that determination. EM thinks we could be trading frogs for lives. PC agrees it is a bad situation, so the Board doesn't want to make it worse. Mr. Morno, developer is willing to agree to a \$2,000 limit. P. Herr to contact D. Fraine to arrange for a site distance analysis of the Rt. 126 entrance and the driveway at the property next door. EM moves to continue to January 22, 1997 at 8:30 p.m., seconded by PC, carried with a vote of 3 (WW, EM and PC). AM and RL abstain. EM moves to approve applicant's request for an extension of the timeframe for action to January 31, 1998, seconded by PC, carried with a vote of 3 (WW, EM and PC). AM and RL abstain.

### **BEL-AIR GARDENS CONTINUED DEVELOPMENT PLAN REVIEW**

AM rejoins the meeting. EM abstains and removes himself from the hearing room. RL abstains and is absent from the hearing room.

Bruce Lord, Esquire, on behalf of applicant Howard Wilson, explains this is a more detailed plan. They are taking down the building and building one larger building. They talked with D. DiMartino who thought it was a good idea to put in a curb but understands it doesn't make sense

to close it in. That is parking for the house next door owned by the applicant. Placing the parking in the back would take away their backyard. P. Herr suggests they would gain a front yard. B. Lord indicates they would be putting the parking on top of the septic and would eliminate all the backyard. They are not adding more pavement but there may be movement of the pavement. They know there is a health problem at the house with a failed septic system. They are working with the Board of Health to have the house condemned and torn down but there is an issue with tenant. There are 3 parking spaces which will become 2 spaces. P. Herr asks why there are no parking spaces there. This proposal is a whopping improvement. B. Lord notes that along the front they left the existing spaces there other than what is eliminated. P. Herr does not feel that is a desirable circumstance because it violates zoning and what is reasonably expected. Howard Wilson, applicant, explains the rationale is that trucks stop there to see where they are going. It allows traffic to continue to go on 126 while the trucks pull over. People don't park there much. P. Herr knows they don't need those spaces to meet the requirements. Don Nielson, Guerriere & Halnon, engineer, agrees they do have 2 extra spaces. B. Lord refers to the safety factor with the trucks. It is also difficult to plow with curbing there. D. DiMartino went over the issues in his recommendations.

V. DeAngelis reads November 25, 1997 letter from DPW Director Donald DiMartino wherein he states that he visited the site with Mr. and Mrs. Wilson and reviewed the existing driveway configuration in detail. Upon completion of his investigation it appears that any additional curbing and sidewalk would dramatically impact the usage of the property. He accepts that no further curbing should be installed in the area directly in front of this property. This property has a long stretch of driveway apron. The existing stone wall is very close to the road and the entrance and exit are fairly well channeled by the building location. This lessens the impact of the driveway open nature. The Wilson's explained the area near the stone wall is used by large delivery trucks as a pull off lane. This allows the trucks easier access to the Bel Air Garden facility. Very rarely do vehicles park in this area in front of the building. The area is almost too narrow for such parking. They agreed to the installation of pavement markings to identify the area for a pedestrian walk. This should keep vehicle parking to a minimum. In addition, the stone wall in front of the actual Bel Air Gardens building is a retaining wall. There is a two step drop from the existing road grade to the floor level at the building entrance. The transition between any installed curbing and sidewalk would be very difficult to construct. There is perpendicular off street parking for the separate building that is on the north area of the street frontage. I thought this building was part of Bel Air Gardens shop and could be accessed from the main store. In fact it is a completely separate building that is owned by the Wilson's but not occupied by their business. The spaces along S. Main St. are the only parking sufficiently close to this building's entrance. The building is close to the north property line making parking along the north side of the building impractical. The parking spaces are marked, and although they require a vehicle to back out onto S. Main St., this is no different from many homes along this road. The larger south and narrow north driveway already provide some channeling to entering and exiting vehicles. The Town will be installing a granite curb, grass strip and sidewalk from the south edge of the driveway towards Scott Hill Blvd. This area will cover the area in front of the house the Wilson's own to the south of their business. This house will be left with a driveway opening sufficient to allow access to the house. Although an ideal situation would be



two neatly defined driveways, the buildings' proximity to the street and the elevation of the existing building make further sidewalk installation in this area impractical. B. Lord agrees to construct the pedestrian walk. They could put a painted sidewalk all along.

P. Herr refers to the storm drainage concern. D. Nielson refers to existing pavement and existing buildings. They will have 2,300 square feet less impervious surface area on the site. They will have less pavement and more building so they will end up with cleaner water. The water flows, hits the curb line and goes into the existing catch basin system there. They are dealing with less impervious area so there will be less impact. The premise is they are not doing drainage alterations. P. Herr asks if they are dealing with 1 lot or 2. B. Lord replies the property is all in the same ownership and the parking is together. P. Herr is asking about the dimensions of the boundaries. D. Nielson refers to the first sheet which shows the layout of the 2 lots. It gives the dimensions but not the bearings. The parcel doesn't have the bearings up to date. P. Herr states we don't have a drawing which shows the building in relation to the lot. D. Nielson indicates they are dealing with a 20 acre parcel. P. Herr believes this is an example of development by incremental step without comprehending the totality of what they are doing. There is lack of clarity with regard to the premises. B. Lord explains there are 2 deeds to the property but the ownership is the same. P. Herr refers to the line on the plan which says approximate property line. He never saw anything like that. Use of the adjacent properties should be shown but they are not shown. The location of the buildings are not shown. The dumpster disappeared. D. Nielson responds they will stay in the same location. P. Herr points out they need to be shown on the plan. The drawing doesn't show the water service entrance. WW asks why a dotted line goes across which looks like 3 separate lots. He refers to the drainage which goes into the back and suggests they come back at a later date since they are not showing where the 12" pipe goes into the back land which is 600' deep. B. Lord thinks that if they came back, they would have to subdivide. P. Herr explains they presently have 20 acres which is okay for 3 dwellings and a business. B. Lord indicates they are not claiming this as a divided property but are claiming it as a whole. WW suggests that a note be added to the plan stating that, to which B. Lord and D. Nielson agree. Deputy Fire Chief T. Guerin asks if trucks parking at the front of the building create a site problem for people who are exiting. AM states they are saying it is a sidewalk. T. Guerin doesn't see how the Board can complain about a 24" tree when they allow trucks to go there. D. Nielson suggests there could be a no parking sign. AM states that with the wide access, a truck could pull in and ask for directions.

PC moves to approve the Bel-Air Gardens Development Plan contingent upon a note be added to the plan that this is one parcel, sidewalk location, water service and dumpster location with a no parking sign added. P. Herr states they should show the use and ownership of the adjacent premises. D. Nielson will include that on the plan. WW wants him to take the dotted line out too. AM seconds PC's motion, carried with a vote of 3 (WW, AM and PC). EM and RL abstained and absent from the hearing room.

**DISCUSSION WITH ROBERT FRAZIER, W/S DEVELOPMENT RELATIVE TO  
CHARLES RIVER SIGN, MAPLE STREET IMPROVEMENTS  
AND CROSSROADS SIDEWALK**

EM and RL rejoin the meeting.

Robert Frazier is here to deal with the freestanding sign location on the the site plan. He presents a copy of the Charles River Center plan. EM asks how high the sign is to the first level. P. Herr saw the sign and it looks fine. The sign limit is 150 square feet but they received a variance from the Zoning Board of Appeals for their sign to be 432 square feet on each side. The ZBA variance is similar to the Crossroads sign variance. Mr. Frazier indicates that Hoyt's cinema will not put a movie sign on the building. EM moves to approve the sign location for the proposed pylon sign for the Charles River Center, seconded by AM, carried with a unanimous vote of 5 (WW, RL, AM, PC and EM). Building Inspector to be notified of the sign location approval.

Relative to timing of the Maple Street improvements which Mr. Frazier agrees will be completed prior to certificate of occupancy for the remainder of the center. The theater is scheduled to open February 13, 1998. The retail part will not open until June 1998 or July 1998. They will do the Maple Street improvements during the April 1998 school vacation so as not to interfere while school is in session. EM asks what guarantee there is that the street will get done. Will there be a bond or security? R. Frazier talked about a letter of credit with D. DiMartino. WW reads December 16, 1997 and December 17, 1997 memos from DPW Director Donald DiMartino relative to the Maple Street improvements being done in lieu of a betterment fee. Selectman Guy Fleurette describes it as a betterment fee payment. EM understands the developer will do the infrastructure in exchange for the fee but what guarantee do we have it will be done. Robert Frazier was ready to have his road crew do the work but Mr. DiMartino said they needed a public hearing for the trees first. D. DiMartino requested that they not do the work. G. Fleurette states there will be payment of taxes if they don't do the work which the town will get from whoever has the property but EM replies it seems risky. G. Fleurette refers to betterment fee lien on the land which is imposed even if the developer goes bankrupt. There is no guarantee the Maple Street work will get done but there is a guarantee the town will get the \$234,000. Selectman Chairman Jerry Mayhew indicates a municipality stands first in line. The town will get the traffic lights at Maple Street or \$240,000. EM is concerned about bankruptcy but Attorney Bruce Lord notes that bankruptcy does not waive the taxes. EM asks where the plan is for the movie theater. The Board does not have a plan. WW advises a final drawing has not been reviewed by P. Herr. EM refers to memo prepared by P. Herr relative to the Crossroads sidewalk and asks who is backdooring and approving behind our back. According to the newspaper, there are new foundations at the Charles River Center. R. Frazier responds that is true. P. Herr indicates this is the problem since we don't have a real plan.

WW states there is supposed to be a 4' sidewalk around the building at the Crossroads Center and there is an 18' street which is narrower. Mr. Frazier explains the building is right but the sidewalk was wrong because the radius was put in wrong. WW believes it is a safety hazard around the corner. He is concerned about a problem in the day time with a tractor trailer coming down the road. When you leave Home Depot heading towards Larry's, it is impossible to see

around the building. The sidewalk was 2.5' but today it was enlarged to 4.5' wide but the road is 2' smaller. They took one safety issue and created another. Mr. Frazier indicates the building corner is shown on the plan. He agrees they fixed the sidewalk and made the street smaller. WW believes the radius changed so it came out closer. RL doesn't think the road can be moved over because of the wetlands. P. Herr wonders if they can move the curb on the other side over so the width of the road doesn't change.

P. Herr further comments that relative to the Maple Street concerns, we should make sure the improvements are in place when the traffic which demands them begins. Is the traffic impact so severe to make them wait with an empty theater? How secure is that? EM notes the traffic backs up to Maple Street. RL thinks that if the Board says no, they will find a way to do the road improvements now. AM states it can't be done now because the paving companies are all closed. P. Herr identifies Saturday Noon as the peak impact time for the theater. WW suggests hiring a police officer. Selectman Mayhew agrees the town could make the developer hire a special detail police officer to take care of the traffic. They can do the detail in the interim. Mr. Frazier advises that Maple Street did not warrant signals but they agreed to put them in. They also added sidewalks. They agreed to do these things in cooperation with the town. They are not responsible. They have worked with the Selectmen to get it done right. Selectmen Mayhew explains the reason why it couldn't get done was logistics. It makes sense to do the work during the April 1998 school vacation. It is not W/S Weiner's fault. The Selectmen are satisfied the work will be done. He suggests we look at some kind of reasonable compromise. WW notes we are talking about two months with a detail officer. Part of the decision was based on the Maple Street improvements. Mr. Frazier is not objecting to the detail. AM suggests a \$10,000 bond could be established to draw from for the detail. P. Herr believes the Police Chief will make the determination. Selectman G. Fleurette suggests they have a police officer stationed with a cruiser with the lights on. No officer would stand out there in the dark. They should base it on what was done at Home Depot or WalMart. EM would like to hear from Town Counsel to make sure the town is protected. Selectmen Fleurette notes the issue is not the agreement. RL moves to grant the delay on the Maple Street improvements with a stipulation that a police detail be established. P. Herr suggests the Board could word the motion: to agree to the provision for funding a police detail and other services which will for the interim period satisfy the requirement of the special permit for mitigation for Maple Street until the agreement ends or upon occupancy permits are given for the other buildings. RL moves to approve the delay to the Maple Street improvements and as worded by P. Herr above, seconded by AM, carried with a vote of 4 - 1 (WW, RL, PC and AM for and EM against). EM does not think this was done properly without submission of a special permit amendment. V. DeAngelis to forward letter to the Building Inspector approving issuance of an occupancy permit for the Hoyt's Cinema only. Additional occupancy permits are not to be issued until the Maple Street improvements are completed. Copies of letter to the forwarded to the Board of Selectmen, Police Chief, Safety Officer Sgt. Tim Buskirk. P. Herr notes it would be helpful to have a final set of plans. WW agrees the Board would like a signed set of plans since there are none. Mr. Frazier agrees to provide a final set of plans for the Charles River Center and the Crossroads Center.

Relative to the McDonald's frontage nonconformity since the Hartford Avenue widening, Mr. Frazier explains a suggestion by Al Rocco from his firm recommending they put screening in the area. WW asks about a snow fence. Mr. Frazier will see if they can put shrubs in the right of way. They will have striping at the McDonald's stop sign recommending a right lane must turn right signs. EM notes the ATM at the Stallbrook Marketplace never came before this Board. P. Herr points out that issues like that belong to the Building Inspector. Suggestion to check the Stallbrook plan for the ATM. Mr. Frazier indicates they are working on the Staples parking area.


### **RAWSON FARMS STREET LIGHTS AND ROAD COMPLETION**

V. DeAngelis updates Board members. A few residents have called complaining because there are no street lights in the Rawson Farms Definitive Subdivision. The road work, specifically puddling at the end of the driveways described by DPW DiMartino in earlier correspondence has not been corrected either. Residents are concerned because the puddling causing hazardous conditions during the winter months. Phone calls to developer Alexander Capital went unanswered so a letter was forwarded requesting the developer's attendance at this meeting to address the concerns. Mr. Alexander forwarded a response indicating he would be unable to attend and requested a release of his road bond. He also advised it is the Selectmen's office who must petition Boston Edison for street lights and there is no longer a problem with puddling at the end of the driveways because those residents have repaired their driveways. Subsequent to receipt of that letter, James Britton, Alexander Capital employee, phoned requesting that someone meet him on site on a rainy day to inspect the driveway situation. Street lights locations are described in the Certificate of Approval for the Rawson Farms Definitive Subdivision and are annotated on the plan. Per Ms. Richard, Selectmen Administrative Assistant, it is the developer's responsibility to petition the electric company to install street lights since both Sagamore Road and Rawson Road are unaccepted streets. The Selectmen do not want to request installation since the town will end up paying for the lights for unaccepted streets. The developer of Hixon Farms Estates was able to request installation from Boston Edison so this developer should be able to do the same. Per DPW Director DiMartino if Mr. Alexander believes the road work has been corrected, he should forward a completed Form J for their consideration. He may also request a DPW Inspector meet with him on site for the inspection.

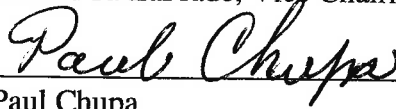
Rawson Farm Estates resident Brad Walker notes there is a puddle at the end of the cul de sac but he is more concerned about the lack of street lights since the subdivision is in total darkness.

Board members instruct V. DeAngelis to forward a letter to Mr. Alexander advising him that the street light installation is his responsibility with a Form J for his completion to be forwarded to the DPW if he believes the road is now complete. Copies of the letter to be forwarded to DPW Director DiMartino and Town Counsel.

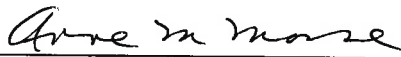
RL moves to adjourn at 12:13 p.m., seconded by AM, carried with a vote of 5 (WW, RL, PC, AM and EM).

  
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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