

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

**WILLIAM M. WOZNIAK, CHAIRMAN  
RICHARD V. DILL  
PAUL CHUPA  
EDWARD T. MOORE  
ANNE M. MORSE**

**MINUTES OF REGULAR MEETING**

**March 1, 1999**

Meeting commenced at 7:00 pm. All members were present. Minutes recorded by Planning Coordinator Jill Karakeian. Planning Board Consultant Phil Herr was also present.

**GENERAL DISCUSSION**

Denis Donovan, Vice President of Stor/Gard came before the Board to withdraw the current applications for Development Plan Review and Special Permit due to wrong section advertised and to resubmit. He reads a letter from Stor/Gard to the Board dated 3/1/99 regarding Lot 3, Hartford Ave., Bellingham. As a result of reported discrepancies in the original advertised legal notice of our Special Permit and Development Plan Review applications, which was caused through no fault of our own, you have asked us to withdraw our current applications for Special Permit and Development Plan Review and to resubmit new applications for Special Permit and Development Plan Review so that the process could be properly started over again. We are willing to take this action on condition that our current applications are acknowledged to have been withdrawn without prejudice, and further, on the assurance that there are no zoning changes, either known or anticipated, that would change the zoning conditions as existed under our original applications. Having been assured by your Board that our current applications are acknowledged to have been withdrawn without prejudice, and that there are no zoning changes, either known or anticipated, that would change the zoning conditions as existed under our current application, we hereby withdraw our current applications and contemporaneously file herewith new applications for Special Permit and Development Plan Review. Very truly yours, Denis Donovan

EM motions to allow Stor/Gard to withdraw without prejudice. RD seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

Denis Donovan of Stor/Gard submits for Special Permit and Development Plan Review, applications and plans.

The Board set a date of April 22, 1999 @ 7:30pm for the Public Hearing of Stor/Gard Special Permit and Development Plan Review.

P. Herr comments about the memorandum he sent to the Board dated 2/19/99 regarding Summit Bank with regards to some particulars on the drawings and what was approved. The drawings now satisfy the decision.

Mike Dean of Guerrier and Halnon present to the Board another set of originals to be signed and he will get copies to be distributed.

WW reads a drafter letter to the Building Inspector from the Planning Board. Dear Stuart: The Board has reviewed and approved the set of drawings for the Summit Bank revised on February 26, 1999. The revisions were made at the request of our consultant, are a "minor" departure from the configuration shown on the plans approved in our decision of February 11, 1999, and are an improvement. Accordingly, the drawings dated February 26, 1999 are the appropriate ones for guiding the development of this site. Very truly yours, William Wozniak.

AM motions to send letter to the Building Inspector as just read. EM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

#### **BAINBRIDGE WOODS – BOND POSTING AND LOT RELEASE**

Edward Gately is in front of the Board for the Bond Posting and Lot Releases for Bainbridge Woods.

WW reads letter from Don DiMartino dated 2/22/99. One this date, I received a letter from Mr. Theodore Bailey, of AKA Constructors, the inspector working for the Town on this project. He has compiled and summarized the information received from the proponent related to the retaining wall and culvert design and construction. We have received letters and as built plans from Mr. Edward J. Demone, a professional engineer working for D.E.C., Inc. The letters and plans certify that the wall was designed and built in an acceptable manner. Therefore, I agree to eliminate \$50,000 from my suggested security under the retaining wall item. I suggest that a security of no less than \$108,000.00 be retained for this project. If you have any question, please do not hesitate to contact me. Sincerely, Donald F. DiMartino.

Ted Bailey states that there were serious concerns when the retaining wall was first installed and he reads the discrepancies found during the installation. 1. The retaining wall was installed 2 feet to the left from proposed location. 2. The box culvert was installed after the retaining wall, creating a connection problem. 3. The vertical reinforcing steel was not cut off prior to pouring the concrete, requiring a cap to be installed. 4. The box culvert was designed at 12 feet outside dimensions, and delivered at 13'-4". 5. The footings for the culvert had to be redesigned twice: a. Once for a deficient rebar installed, requiring an additional footing installation. b. Once for culvert size, missed the footing, required widening the footing. 6. Due to the temperature during pouring the walls, after concurring with the Building Inspector, I informed the formwork foreman to leave the forms on 2 days. Although he said he would, the next day he

stripped the forms only 15 hours after pouring. 7. Shrinkage cracks have formed on 10 foot centers throughout both walls. 8. Although BADD Brothers placed all the steel in the main walls, the contractor placed the reinforcing above the culvert. I questioned the use of ½" diameter allthread in lieu of the #6 (¾") reinforcing steel required. They told me they would get a PE letter from Rotundo stating the allthread is stronger. Have not received as yet! Those were the issues that caused the \$50,000 question that Don DiMartino had. Since then, they had Norman Hill from Land Planning doing additional calculations and reinforcing installed they also hired a Structural PE, Mr. Edward Demone from Norwood to look at the whole design including the reinforcing steel, rebar and concrete in the wall and he has given his certification.

WW states that he also has a Form G, Certificate of Release for Bainbridge Woods for Lots 1, 2, 3, 4, 5, 6, 7 and 8 as Plan No. 839 of 1998. Also a copy of the Passbook held in Benjamin Franklin Savings Bank, Account #02019530 for \$108,000.00 with the Town of Bellingham.

AM motions to release Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Bainbridge Woods. PC seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

Board Members sign miscellaneous invoices and stipend payroll.

P. Herr hands over to the Board the revised Zoots Development Plan Approval that was approved at the last meeting with changes as requested. Included is the letter and plan from Al Rocco of W/S Development reflecting the changes to be made to the parking lot and roadway layout at the Stallbrook Marketplace.

RD mentions that the Baybank Building was going to be moved to the island at the end of Retail C because of the parking available.

P. Herr says that it is in the minutes but no in the Decision, that is fine.

EM motions to sign Zoots Development Plan Approval. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

### **GENERAL BUSINESS**

Jill mentions to the Board that she got a letter from the Board of Selectmen of two streets (Pine Wabler Way-DiPlacido and Rawson Road-Alexander Capital) that are looking for acceptance at the May Town Meeting.

The Board told Jill to get comments from the DPW, set a date for discussion and let the petitioners know when we are going to discuss.

### **MAPLEBROOK COMMONS – DEVELOPMENT PLAN REVIEW – Public Hearing – Continued**

Real-Estate Engineering Management came before the Board and submitted updated drawings to respond to some comments made by Phil Herr as well as the DPW and the

Fire Department. One of the issues that weren't on the plans was the Zoning District. It is agricultural and noted on the first page and the land use is townhouse dwellings. Also we added a detail on a detail page showing the paved areas in front of the garages and how the parking spaces would be fitting in front of the garages. There is a typical lighting schedule for each building. Mr. Herr suggested that we look at putting a sidewalk next to the long driveway, Stonebridge Lane and we have put a sidewalk on one side. The additional Conservation was looking at a stone wall at the bottom of the slopes where it is close to the wetlands, so we put some stone walls and the Conservation's request. We have noted the Water Resource District line on the plan.

P. Herr said asked how we know how much of this is in the Water Resource District? You can't tell that from the drawings. Do you go through each drawing to see that?

Real-Estate Eng. says yes, at this point.

P. Herr says that we haven't spent a lot of time figuring out if what your plan is, is allowed in the Water Resource District but I'm sure that Real-Estate Eng. has?

Real-Estate Eng. says yes.

P. Herr says that there were also questions about radiuses. Let's look at the detail about the garage and the asphalt that is in front of it. There is a two car garage and there is a car parked in front of both doors and a car parked behind one of the cars. In order for that front car to move the car behind it has to move and that is not allowed in the Zoning Requirements.

WW says that it looks like it is just the turning radius on the back side.

Real-Estate Eng. says that we can add some more asphalt towards the retaining wall, or put some turn around so that can be taken care of.

P. Herr says that he wonders if anyone has a picture of what this really is. With regards to the Site Plan and what it looks like.

Real-Estate Eng. says that he will bring in a drawing with more detail of the buildings and what is going to be left alone and where the roads are going to be.

WW asked about the radiuses that Phil had addressed earlier?

Real-Estate Eng. says that they will change the radiuses that are in question to accommodate larger vehicles. Also bring in a presentation so it is easier to see what they are planning and what the project is going to look at.

AM motions to continue the Maplebrook Commons Development Plan Review public hearing to April 8, 1999 @ 8:00 pm. PC second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

**MAPLEBROOK COMMONS – SPECIAL PERMIT – Public Hearing – Continued**

P. Herr says that there were a large number of technical legal issues of their right to do this about whatever the obligations where that have been going back and forth between yourselves and Town Counsel. Am I right that those are all settled?

WW says that he doesn't believe that they were all settled. We did get correspondence from Town Counsel saying that their real close.

Cathy Hagardy, a Maplebrook resident asks if the Board received a copy of the letter from the association's attorney?

Jill says yes.

AM asked if that letter was addressing the issues just talked about?

C. Hagardy states that at the last meeting Lee Ambler's letter suggested that the Developer and Maplebrook come to some sort of agreement.

WW says that we have a letter from Don DiMartino in reference to sewers that I would like read into the Minutes. Dated 2/24/99.

RD reads the letter from Don DiMartino to Ms. Fallon. Dear Ms. Fallon: We finally have a meter operating at the Route 140 sewer-meeting manhole. After one week of operations it appears that the sewer flow through the meter is significantly higher than expected. In fact, it appears that we are presently exceeding our 300,000 gallons per day capacity. Therefore, we cannot allocate any sewer capacity related to your request for 100 units of sewer capacity. We have some question about the accuracy of the meter and the possible presents of significant infiltration into the sewer pipe. Over the next few months we will be monitoring the meter and working to make sure it is reading accurately. At this time we cannot estimate when and if additional wastewater capacity will become available. However, the Town is moving to expand its wastewater system. Any system expansion will require that we address the limitation of our treatment capacity. It is our goal to have an article on the October 1999 Town Meeting warrant to fund wastewater system expansion. Hopefully after the October Town Meeting, we will be able to estimate the time frame for availability of sewer capacity. If the situation changes we will notify you. If and when capacity becomes available, you will be notified with instructions on how to proceed with your connection permit filing. Your application is next in line for any available capacity. Sincerely, Don DiMartino.

AM asks about the issues about the rear buildings and if the new developers were going to help out with those in any way?

Real-Estate Mng. says that we have added the means by a manhole with gravity and they will have to supply the ejector pump.

P. Herr questioned who would supply and pay for the ejector pump and thought that was part of the legal questions.

Real-Estate Mng. says that he thinks it would be the responsibility of the existing association.

P. Herr asks if they would be happy get approval for a Special Permit, but first you need to strike a deal with the existing buildings to see who gets the 20 unit capacity and no building permit is issued until sewer capacity is available?

Real-Estates Mng. says that isn't part of the deal that is being made with the existing units. That is the Associations doing to get their own capacity. They have to apply for it.

C. Hagardy reads the letter from Goodman, Shapiro & DeBear, attorney's for Maplebrook I-IV Condominiums Trust dated 2/24/99. Dear Mr. Wozniak: Please be advised this office represents the Board of Trustees of Maplebrook I through IV Condominiums Trust. It is our understanding that the Board is currently being asked to approve a development plan pursuant to the Town of Bellingham Zoning By-Law to permit building permits to issue for 130 dwelling units in order to complete construction under the Special Permit originally authorized by the Board in 1984. To the extent that my clients, as they represent the organization of Unit Owners of the Maplebrook I through IV Condominiums are abutters, this letter is being written to you to advance their concerns. As you are aware, this development has had an ongoing and outstanding issue concerning the obligation of the successor developer to construct and install a lateral sewer pipe and collection system necessary to tie in the Maplebrook Condominiums I through IV to the proposed extension of the Town of Bellingham sewer system. My clients understand that at the present time, and indeed for some time in the past, there is no capacity for any such extension as the same would apply to their locus.

Notwithstanding the same, it is the opinion of this office that the obligation, at a bare minimum, to construct and install the lateral sewer pipes still exists. Accordingly, it is incumbent upon the successor developer to install those lines as the same were originally required by the then DEQE. Attorney Mark Bobrowski, whom I believe is representing the application/developer, and I have been engaged in conversation in an effort to reach an agreement on the issue of his client's obligation in the regard. However, to date, the same has not yet been resolved or completely negotiated. Clearly, it is the preference of my clients that this obligation be included as a condition of approval of the Development Plan and the issuance of the building permits currently before the Planning Board. Until such time as an agreement is finalized, this letter shall constitute my client's formal obligation to the approval of the Development Plan to allow the building permits to issue under the 1984 Special Permit unless the Board conditions the approval upon the requirement that the applicant construct and install the lateral sewer pipe and collection system necessary to tie into the proposed extension of the Town of Bellingham sewer system. Nothing in this letter shall be deemed to constitute a waiver of any of my client's right to file a timely objection should the Board seek to approve the Development Plan to allow the building permits to issue without conditioning the approval upon said requirement. Thank you for attention to this matter. Very truly yours, Ellen Shapiro, Esq.

RD mentioned that Phil referenced that some of the existing units were in dyer need of sewer? Do they have failing systems?

C. Hagardy says that they do not have failing systems. We just want the pipes put in that we were promised should anything happen and we need to connect the pipes will be there.

AM says that they are saying that they will provide the main so that you could tie in if you want and if you have capacity. I think we are going in the right direction. Could they apply now for capacity?

Real-Estate Mng. says yes.

WW says that the existing units should put in the application to get that going so when capacity becomes available they will be in line. 2/3ds of the Units can tie in but the other 1/3<sup>rd</sup> will need ejector pumps. That will be an added cost to the association.

RD I feel that these people were in line and decisions were worded as such that when sewer became available they would get it. Now you have a developer that wants to come in and make money off of this project and more or less telling these people, get to the back of the line.

Real-Estate Mgn. says that anyone person or business that has opened in the past five years has pushed them to the back of the line. They have to apply for capacity so they can get in line.

AM motions to continue the Special Permit public hearing to April 8, 1999 at 7:30 pm.  
RD seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

### **MAPLE SANDS SPECIAL PERMIT & DEFINITIVE SUBDIVISION PUBLIC HEARING**

EM asked how many meetings from now until Town Election because he is not running again for the seat on the Planning Board. The Board and the application agreed to have the Alternate Member Steve Choiniere sit in on the hearing incase it runs past the election in May.

WW reads the Public Hearing Notice advertised in the Milford Daily News and the Woonsocket Call. The Bellingham Planning Board will conduct a public hearing on February 25, 1999 at 8:30 pm in the Town Hall Complex on the application of Maple Sands Corporation, c/o Philip H. Macchi Esq., 1256 Washington Street, Norwood, MA 02062 for a Special Permit for the proposed Cluster Development consisting of 10 lot single family subdivision located on South Maple Street on 23.1 +/- acres in an agricultural zoned district pursuant to Sections 4300 of the Bellingham Zoning Bylaw. The application of Maple Sands Corporation, c/o Philip H. Macchi, Esq., 1256 Washington Street, Norwood, MA 02062 for Maple Sands Estates Definitive Subdivision located on South Maple Street for a 10 lot single family home subdivision. The Maple Sands Estates Definitive Subdivision plan, dated October 21, 1998 was prepared by GLM Engineering Consultants, Inc., 1750 Washington St., Holliston, MA. Deed of property is recorded in Norfolk County Registry of Deeds in Book 4871, Page 491 and Book 5108, Page 69. Parcel is shown on Bellingham Assessors Map 61, Lot 1 and Map 61, Lot 2. All interested parties are invited to attend the public hearing and development plan review

meeting. DATES OF PUBLICATION The Milford Daily News: February 11, 1999 and February 18, 1999 The Call: February 11, 1999 and February 18, 1999

P. Macchi presents to the Board a Memorandum in support of the Special Permit Application. This is a 23.1 acre parcel in an Agricultural Zoning District. We have the Bellingham Landfill to one side and land of letter on the other side. The property is presently and has been for some time owned by Edward & Betty LaPointe. My client is under a Purchase & Sales Agreement to acquire the property. The application has been signed by Mr. & Mrs. LaPointe as well as Mr. DiNapaly on behalf of Maple Sands. Should a permit be granted it would be binding between both owner and application. The Bylaw sections that will be pleated this evening is Section 4300 for Cluster Development. I have gone through the section and provided a synopsis. The first criteria to have the special permit is the parcel must be in excess of ten acres and in order to go forward there needs to be a Special Permit granted. 23.1 acres far exceed the threshold of the 10-acre parcel. Your first requirement is that the proposed development shall, in your judgement, be superior to a conventional plan in preserving open space for conservation or recreation, using the natural features of the land, and allowing more efficient provision of public services; and at least equal to. I would like to submit to the Board, although I believe that the Board already has an original letter from the Conservation Commission with respect to this particular section. We have met with them, it's indicated that at their next meeting they are going to issue an Order of Conditions. The letter from Conservation dated 2/9/99 reads as follows: Dear Mr. Wozniak and Board Members: The Conservation Commission is currently undertaking review in the above mentioned project. Based on our review to date the Commission has, by unanimous vote, requested that we recommend this project to the Planning Board in the strongest possible way. This is an ideal cluster for several reasons. Virtually, all impacts from the one hundred foot buffer zone have been eliminated. Furthermore, the common or open space portion of the property will abut existing town land increasing our holdings in the general vicinity of Silver Lake. The alternatives for build out with a conventional plan greatly increase the activity in this area. The Commission is recommending that you issue a Special Permit to allow the application to proceed with this proposed cluster subdivision. Do not hesitate to contact me if you should have any questions. Very truly yours, Clifford A. Matthews, Chairman. The two exhibits that are attached to the Memorandum that I have distributed, there is an A and a B. Exhibit A shows a Conventional Subdivision of 10 lots utilizing all of the land. Exhibit B shows a Cluster Subdivision. What we have tried to do with the open space on Exhibit B is to take care of the two areas that Conservation was concerned about. The area up in front that was determined to be a vernal pool and the second area with the pond. We have designed this so that there's access to both of these areas. We could put a trail system in. I would submit to you that the Conservation Commission itself felt that this was a benefit to the community. It is going to be set aside for passive recreation. After having some discussion with the Conservation Commission they had asked that I convey to you that one option was that it was conveyed to them as the Conservation Commission and they had no problem if we put a Conservation Restriction on the land. The Conservation Restriction is an agreement that is signed by the Board of Selectmen, Conservation Commission and the State. Once that is done only a legislative act can take it off. The next requirement is basically to take the calculations to determine what the total allowable lots would be. That is a formula of 85% of the overall parcel. .85 times the overall parcel, which is a 1,700,706 sf divided by the normal lot area, which in this case would be



80,000 sf., which comes to 10.7 lots. Again, we fall within that threshold. The next criteria deals with the septic or sewer. We can meet the requirements of Title V on each of these lots. The next requirement is that the buildings be clustered in order to maintain the area for the pond and the open space. We have grouped all but two lots on one side. We would infact propose to convey the open land to a Homeowners Trust with the stipulation and in accordance with your regulations precluding any building coverage of 5%. An operation maintenance plan, not only to maintain the open space but the trails. The Conservation is concerned about the maintenance as to the facility for the detention basins. They do not want the Town to absorb the cost. There is one retention basin, we would have within the Operation Maintenance Plan that the Association would be responsible not the Town. My client in turn would start some fund so that the Association would be able to maintain that facility. I would point out to you that it does provide for a social community need. The traffic flow will not change with a ten lot subdivision. As far as the utilities: there is a proposal for town water, we are not proposing a site for town sewer. We feel that we are in character with the neighborhood as there is residential all around except for the landfill. The section also makes comment about the qualities of the natural environment. Our opinion is that the open space clustering actually was better for the natural environment. We do not feel that there will be any negative impact.

Bob Truack, GLM Eng. informs the Board that the site is relatively flat where the proposed houses will be located. The site slopes towards both wetlands. Drainage is basically in the areas of the wetlands and is contained on the site. The area is agriculturally zoned. What we tried to do with this Cluster is to protect the wetland areas as well as utilize some areas in the middle for drainage and to protect the other area which is a vernal pool. The cluster proposal shows approximately 1200 foot dead end street. Six lots on the right and four on the other. What we have done to the drainage system in the front, is the only thing going to this wetland area or in that area is the two catch basins on the street. The Conservation Commission had asked that we eliminate the above ground storage facility, it is a retention basin and we are going to recharge to ground water. We put are going to put underground leaching pits in that area and eliminate that basin. The other wetland area, we have two outlets, we are going to provide seven traps and swales and all go into a detention pond. There will be increase in the volume or runoff to the wetlands, we are recharging the entire flow into the drainage basins. I thought I would mention that we are putting a small gravel parking area for approximately four cars for people to access the open space. We also show an existing easement that travels up through the site.

EM asked how the roadway entering the site goes between the existing home and the landfill?

P. Macchi states that they own a 50' strip.

EM says that nobody before used that as entrance to the site.

P. Macchi says that we went through extensive research and that is part of the land.

WW asked about the gravel parking. Does it block the right of way?

B. Truack says that we can move it so that it isn't in the way.

P. Macchi says that many times you have open space and then there is no place for anyone to park to utilize the open space. So, that is why we put the gravel area for parking.

P. Herr asked who owned the open space?

P. Macchi said the Homeowners Association.

P. Herr asked if the homeowners were going to invite the public in to use it?

P. Macchi says that if the Board felt that they didn't want the public to use it then we wouldn't put the trail in. We just thought that would be a nice benefit.

PC asked who was going to use it?

AM says that the kids are going to use it.

P. Herr says that there are issues of liability, there are issues of privacy.

P. Macchi says that if the Board doesn't want the trail system, then we won't put it.

EM asked what Conservation said about the trail system?

P. Macchi said that they haven't showed that to them yet. They liked the plan the way it was, with the open space left alone and in it's natural state.

PC says that he feels that the land should be left alone.

AM says that she thought the whole idea of open space was to leave it alone in it's natural state. That is when it will get trashed.

P. Macchi says that he is just asking the Board if they would like a trail or not.

EM mentions that the sidewalk should be on the side that has most of the houses.

B. Truack says that normally the sidewalk is put on the south side but we can put it on the other side.

EM says that it is a nice proposal but it needs some fine tuning.

WW asked if any other Board members have any questions. Is the open land private?

EM asked that in the past with other cluster developments the open land is deeded to the Town and Conservation?

P. Herr says yes, that is usually the case.

P. Macchi says that Conservation said that they usually have the land deeded to them but they didn't have a problem with the Homeowners owning it as long as there is a Valid Conservation Restriction.

P. Herr asked if they are willing to deed it over to Conservation?

P. Macchi couldn't answer that without asking his client first. It has always been our intention to keep it in a Homeowners Association with a Conservation Restriction.

Chris Barletta, representing an abutter questioned the overflow from the vernal pond onto the abutting property.

P. Herr suggested that WW check with Conservation and see how they feel about the stormwater management and drainage to see if they are okay or should it go out to an independent engineer.

WW says that he would also like to talk to Conservation with regards to their feelings on the open space issue.

EM motions to have a Draft Decision for the Special Permit of Maple Sands be drawn up by Phil Herr's office reflecting the Cluster design. AM seconds. Unanimous vote of 6 (WW, RD, EM, AM, PC and SC).

AM motions to continue the public hearing for Special Permit and Definitive Subdivision for Maple Sands to April 8, 1999 at 8:30 pm. PC seconds. Unanimous vote of 6 (WW, RD, EM, AM, PC and SC).

#### **EDWARD ESTATES – Informal Discussion**

Robert Adler and Todd Rodman, with the law firm of Cedar & Chadler came before the Board to present an Approval Not Required Plan and to explain what their intentions are for this previously approved subdivision. The plan shows a revision of Lot 1 on the Subdivision Plan that was approved back in 1986 into two lots with simply modifying an existing lot line to remove a 757 square foot portion of Lot 1 on the approved plan. The reason for the change is the land that is shown as this 757 square feet is registered landcourt land. We represent the creditors of Mr. Daprato. We are trying to correct a problem with the Subdivision, so that we can sell this 12 lot subdivision. We are separating the registered landcourt land from the recorded land by separating out this 757 square foot parcel of land.

EM asked where that small piece of land was going to?

T. Rodman says that it is going to stay with the parcel on the Littletree Lane side of the property.

P. Herr says that he has never seen this plan. He asked if this small piece of land was part of something else?

T. Rodman says that it is being carved out of the buildable portion of the subdivision. It is being left in the Realty Trust of Mr. DaPrato.

EM asks then what does that do?

P. Herr asked that the Board is told what this is about.

T. Rodman says that this is to separate out the landcourt portion from the recorded portion. The second piece of this is that we are in the process of drafting an easement across the landcourt portion of the subdivision for purposes of access to the subdivision. We will be giving you a copy of that easement as soon as we get bankruptcy court approval for the preparation of that easement. We are going to need that before we can convey the full subdivision to the buyer.

P. Herr asked if some portion of Laurel Lane is registered land and the rest is not?

T. Rodman says yes, that is correct. The original subdivision plan that was approved, there is a dotted line right across the map which is actually the boundary of the lot 1 shown on this 81-P. The 2 lots on Littletree Lane and the entrance to the subdivision are registered land and the rest of the subdivision land is recorded. The reason that we are segregating this 757 square feet is because it is a little tail that trails onto the registered side. We are making sure that we are conveying only the recorded portion of the land and we are going to use an easement to grant access to the subdivision itself.

P. Herr asked the easement being given from whom to whom?

T. Rodman says that the easement would be granted from the owner of the property to the buyer of the property.

P. Herr says that you are saying that the easement of Laurel Lane will not be owned in fee like the rest of it?

T. Rodman that is correct. In order to convey it, we would have to go through a formal process with the landcourt.

P. Herr so there will be an easement as a temporary measure until you have gone through that formal process?

T. Rodman says yes, there will be an easement as a temporary measure. At some point in the future when the Town wants to make this a public street, the fee to that property would be conveyed as well.

EM says that when the developer wants to make it a public street.

P. Herr says that the concern is that the subdivision, the lots are going to be in different ownership then the fee and the land by which they are reached.

T. Rodman says that the short portion of that access would be dedicated as an easement.

P. Herr says that approving this 81-P has nothing to do with that but the Board is going to probably want to make sure that the conveying of the fee doesn't just happen some day down the road when somebody decides to do that.

T. Rodman says from a legal perspective, an approval from the landcourt finds that perfectly permissible to cut through there and as long as that easement goes with the land and it continued forward. I know that it is unusual but it works and it corrects the problem.

WW if we knew that before, we would have never approved the subdivision?

P. Herr says, not on your life.

WW asked if the subdivision still good?

P. Herr says that he thinks so.

T. Rodman says that it was endorsed on 1/24/96.

P. Herr says that the reason why I didn't think was going to take to long is because I didn't think you were going to try to get endorsement of this plan tonight.

T. Rodman says that we would like to leave the plan with you. We realize that you haven't seen this before.

P. Herr says that the easement doesn't exist yet, correct?

T. Rodman said yes.

P. Herr says that if the Board is going to run it by Town Counsel, he should see the Easement, the Plan and the package.

T. Rodman asked when the next meeting is?

WW says March 11, 1999 @ 7:00pm.

### **32 WILLIAM WAY – DEVELOPMENT PLAN REVIEW – PUBLIC HEARING**

RD motions to waive the reading of the Public Hearing Notice. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

John Warfield represents to the Board the Development Plan for 32 William Way and what his intentions are for that property. He passed out some arial photographs of the site what were taken a few years ago. We have been given permission to occupy the front office building on the site. There are three other buildings that need work. It looks by the memo that was received from Phil Herr's office that he is pretty happy with what has been prepared and put together to date. Drainage calculations still need to be submitted for the site. We plan on going through the Conservation Commission.

P. Herr says that doesn't answer his concern. The concern is that the stormwater management stuff is a significant part of the site plan, and we have no idea what that is. The Planning Board can't approve a Development Plan unless they have assurance that atleast from the perspective of an adequate stormwater management is in place from Conservation Commission's stand point as well. The way that the Town commonly does that is they engage in an independent engineer hired by the Town to review your engineers calculations and make sure that it all works at your expense.

J. Warfield says that the storm drainage system itself that is in place is really substandard and really needs to be reconfigured. We have designed a totally new drainage system for the site. We have also been onsite with the Board of Health to check on the septic systems, if they comply and what needs to be done to comply. The site is partially paved and partially graveled at this time. We have tried to show on the plan what will be paved, where the parking will be and what will be left alone as gravel. One of the issues were the landscaping that is required by the Town. There is one side of this property that abuts a residential zone parcel that is not developed. We are looking for some relief on that due to the screening that is required because it is not developed. We will be filing with Conservation the beginning of next week.

AM asked about the residential land that they do not wish to buffer. Does it have the potential to be developed?

P. Herr says that it is Thayer property.

AM says, then it has the potential to be developed and I disagree with not buffering.

PC says that he wants to buffer it, but at a later date.

AM says she doesn't see it happening at a later date.

P. Herr we could have some kind of security that in the future if that does get developed then some buffer would be installed.

RD asked Tom Guerin what he meant when he said that the occupancy is limited due to lack of water pressure?

T. Guerin said the type of businesses as far as sprinklers being required. Also, the applicant asked about turning the existing tanks into an oil depot (heating fuel).

RD asked about the deadline for the tanks of March 3<sup>rd</sup>?

J. Warfield says that we are seeking an extension.

RD asked if those tanks permitted by the Fire Department?

T. Guerin says that they were once permitted and licensed. They were put in there for hazardous waste. They have been cleaned by court order and locked down. They have to be brought up to standards by a certain time period or they are to be removed.

P. Herr says this site is somewhat like Bellingham Business Park. You see the buildings and the layout of the site but you don't know who the tenants are yet. I guess you are looking for a basic approval of the general circulation, general of the parking and generally of the stormwater management?

J. Warfield says that is correct.

P. Herr says that it seems that the Board wants the proposed drainage and stormwater reviewed by the Town's hired engineer?

EM says yes with the retention pond that is going to be there.

J. Warfield says that he is asking from the Board is the requirements to be able to move into the 3 remaining buildings.

EM says that you can't do that until the drainage and stormwater management is approved. I think that is as far as this Board can go. We are going to review the drainage, the traffic flow, the parking and the Buildings. As far as the use of the tanks, the licenses you have to go through the Fire Chief and Board of Selectmen.

WW asked Phil what the next step is?

P. Herr says that he feels the next step is to ask Denis Fraine to engage in an independent engineer to review the drainage and stormwater management for the site.

WW says that the issue of who Denis sends the plans to needs to be addressed. The fees that are being charged to the applicants have been expensive and there has been complaints. There are two engineers that he uses, but lately only one. I think there should be atleast another option.

P. Herr says that the difficult thing is to get an engineer who isn't practicing on their own in Bellingham and who wants to do this for the Town and come out to the Town to review the sites.

J. Warfield hands a copy of the drainage calculations over to WW to deliver to Denis Fraine and also gives Phil a copy. After the engineer lets the Board know, say he says everything looks good, then what happens next?

EM says then you would get Development Plan Approval.

P. Herr says there are other issues that can't be answered right now because you don't have tenants. Question about signage, occupancy and are all going to have to be conditions in the Decision as well as some kind of security for buffering that agricultural zone when and if it develops.

AM still has a problem with not doing anything to buffer that now.

EM suggests the slats that you can put in the chain link fence?

MINUTES OF PLANNING BOARD MEETING

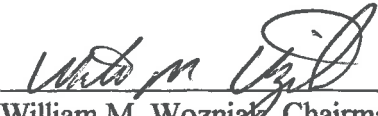
March 1, 1999

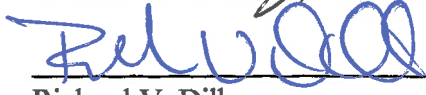
J. Warfield says that he could check prices on those slats to install in the chain link fence that is now there.

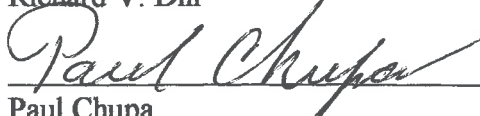
P. Herr asked if it is going to be continued to another date? He says that it is going to take a month for another engineer to look at this.

AM motions to continue the Development Plan Review Public Hearing for 32 William Way to April 8, 1999 @ 9:00 pm. EM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

RD moves to adjourn at 11:05. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

  
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William M. Wozniak, Chairman

  
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Richard V. Dill

  
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Paul Chupa

  
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Edward T. Moore

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Anne M. Morse