

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 11, 1999

Meeting commenced at 7:00 pm. All members were present. Minutes recorded by Planning Coordinator Jill Karakeian.

GENERAL DISCUSSION

Board Members signed Clerk's payroll and miscellaneous invoices.

Clerk let the Board know that a discussion for the street acceptances for Pine Wabler Way and Rawson Road and the petitioners have been notified.

Ted Bailey notified the Board that along with Rawson Farm Road, Sagamore Road needs to be included in that discussion for acceptance at Town Meeting. The Board of Selectmen has been told as well, it was just overlooked when they originally requested it.

EM said that we should just include that in with the other streets on the meeting that was scheduled.

EDWARD ESTATES

Todd Rodman was in front of the Board to have an 81-P plan signed for the Edward Estates Subdivision.

WW says that he doesn't know how you can sign an 81-P if it doesn't have the frontage.

T. Rodman says that it is a Subdivision Road. This is a modification of an approved lot on a Subdivision plan. We are moving 757 square feet of registered land from the recorded land. We are reducing the size of Lot 1 by 757 square feet.

EM I just don't know if Lot 1 exists right now because there is no bond and none of the lost in the subdivision has been released.

R. Rodman says that it is a recorded subdivision and it has a covenant. We are looking for the 81-P endorsement for Lot 1 in the Subdivision which has the frontage.

EM motions to sign the 81-P on the Edward Estates Subdivision. AM second. Three in favor, two apposed.

FEE REVISIONS – PUBLIC HEARING

WW reads Public Hearing notice to make revisions to the Planning Board Fees. The Bellingham Planning Board will hold a public hearing on March 11, 1999 at 7:15 pm in the Town Hall Annex to consider proposals to revise its Subdivision Regulations Sections 3122 and 3212 and its Procedural Rules Sections 2.2.2, 3.1.4(D), 4.0, and 4.2 to increase and clarify the basis for fees charge for various plan submittals to the Board. All interested parties are invited to attend the public hearing. The Bellingham Planning Board, William M. Wozniak, Chairman. Dates of Publication: The Milford Daily News 2/25/99 and 3/4/99 and The Woonsocket Call 2/25/99 and 3/4/99. 1. Amend Section 231 Applicability of the Subdivision Regulations (plans not requiring approval) so that it reads as follows: "Any person who wishes to cause to be recorded in the Registry of Deeds, or to be filed with the Land Court, a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file with the Planning Board three (3) prints of the plan, an application (Form A), and a \$20.00 application fee. Said person shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such determination. (Form A)."

PC makes a comment that people in the town are being feed to death.

EM says that 100% increase just seems alot. To double anything seems like alot. Maybe the other fee has been too low for so long that the 100% increase makes sense. The only thing is that with an 81-P it usually is a citizen in Town, it isn't a builder.

WW makes a comment that a builder came before us not to long with an 81-P for 10 lots and he paid one \$10.00 fee. I think it should be \$10.00 per lot per plan.

AM says that would make more sense.

EM suggests to modify Section 231 as worded except changing it to read \$10.00 application fee per lot.

WW will check with Phil to see if that is okay. 2. Amend Section 3122 of the Subdivision Regulations (preliminary plan submittals) so that it reads as follows: "3122. Submit to the Planning Board: "(A) An application (Form B). "(B) A filing fee of twenty dollars (\$20.00), plus thirty cents (\$0.30) per linear foot of road centerline proposed, which will be credited against the fee for the definitive plan when submitted."

EM says that he doesn't have a problem with.

All Board members okay with the amending of Section 3122 as written by Phil.

WW reads 3. Amend Section 3212 (C) of the Subdivision Regulations (definitive plan submittals) so that it reads as follows: "(C) A filing fee of two hundred dollars (\$200.00), plus five dollars (\$5.00) per party to be notified, plus advertising costs, plus fifty cents (\$0.50) per linear foot of street centerline proposed, minus any fee paid at the preliminary plan stage."

EM says that if we do the \$5.00 per party to be notified. We will collect the money and then Jill will have to go some where in the Town Hall to get a check for the postage. I think that it works better if the applicant writes the check for the exact cost to the Postmaster.

WW says then we can delete the part that says "plus five dollars (\$5.00) per party to be notified and put plus postage for Certified Mailing."

All Board members okay with amending Section 3212 (C) as Phil stated except remove \$5.00 mailing fee and add in "plus postage for Certified Mailing".

WW reads revisions for Procedural Rules Fees. 1. Amend the second sentence of Section 2.2.2 (zoning amendment requests) so that it reads as follows: "The request shall also be accompanied by a verbal description of the proposed changes, suitable for legal advertisement, plus a filing fee of \$75.00 plus the Planning Board's estimate of the cost of advertising."

EM says that we should check with Phil. We do actual cost of advertising, not estimate.

WW reads revisions for Procedural Rules Fees. 2. Amend Section 3.1.4 (D) (special permit application submittals) so that it reads as follows: "(D) A filing fee equal to: "-the Planning Board's estimate of the advertising cost, plus one hundred dollars (\$100.00), plus five dollars (\$5.00) per party to be notified, plus a deposit to cover the reasonable cost of outside consultant review, plus the following: "-For Major Commercial Complex (\$4700): forty cents (\$0.40) per average daily trip generated. "-For Cluster development (\$4300) or Back lot division (\$2580): ten dollars (\$10.00) per lot created. "-For Townhouse or other multifamily (\$4400), or for Targeted Housing (\$2690): ten dollars (\$10.00) per housing unit. "-For Environmental controls (\$3290) or Water Resource District (\$4940): one hundred dollars (\$100.00)."

The Board agreed that the "\$5.00 per party to be notified" should be "plus postage for certified mailings". They were also concerned about the \$100.00 charge for being in a Water Resource District. They are concerned about the average homeowner paying all kinds of fees in comparison to developers. Everything else looks okay.

WW reads 3. Amend the title of Section 4.0 to read "4.0 Development Plan and Site Plan Review."

The Board was okay with that change.

WW reads 4. Amend the first sentence of Section 4.2 Submittal to read as follows: "Plans determined by the Building Commissioner to require site or development plan review must be accompanied by a review fee equal to \$3.00 per new or altered parking space as submitted or as required, whichever is higher, plus \$100 plus advertising costs for Development Plan Review, or plus \$50.00 for Site Plan Review. In addition, a deposit may be required to provide a deposit to cover the reasonable cost of plan review by an outside consultant."

AM motions to continue the Public Hearing for Fee Revisions to March 25, 1999 @ 9:00 pm. EM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

SUSAN LANE – TENDERBOUGH REALTY TRUST – WAIVER REQUEST

EK Kahlsa and Bill Halsing of LandPlanning presents to the Board and interested parties in the audience what their plans are for the two lots that they are requesting the waiver on. The Planning Board has under the present rules and regulations the right to waive the requirements for more than 12 lots on a cul-de-sac if in the opinion of the Board allowing more than 12 house lots on a cul-de-sac is warranted by particular topography. Bill and I looked at the land and there is really only one area that was developable and that was the area we are proposing to build on. It is approximately 8.5 acres and is very good ground. We purchased the house at Lot 16, then when we sold it we obtained a driveway and utility easement so that we could get back to that back land so that we wouldn't have to cross all that wetlands. We propose to utilize the driveway easement that we have secured from Rodney and Andrea Cepeda to construct a shared driveway for two homes. We feel that this represents the most sensible use of the land because it reduces the amount of road to be constructed and maintained by the town, it reduces the impact of construction on the environment and reduces the impact of construction on the neighboring homes. We are willing to covenant that we are only ever going to build two houses. We are confident that the construction of the shared driveway can be completed in a manner that will be acceptable to our neighbors and will be maintained by the owners of the two new homes. We feel that it is appropriate to waive the requirement of Article IV Section 4231. We believe that there are specific, unique conditions to this site that make a waiver of this requirement consistent with Town Rules and Regulations. 1. There are significant wetland areas located within the subject site. Roadway construction to create access by means other than this Susan Lane which has more than 12 houses would grant greater impact on the vegetated wetland onsite, would create more impervious space than the proposed driveway. 2. The existing number of homes already constructed on Susan Lane exceeds the twelve house maximum. There are seventeen homes presently served by Susan Lane. 3. The use contemplated (development of single family homes) will have the least possible environmental impact and allows for the use of upland area well suited to development. 4. Existing conditions at this site, including the length of the cul-de-sac, the number of homes built, already violate Article IV, Section 4231. 5. Soils on site and site topography argue in favor of this limited use proposed. The limited use proposed makes construction of additional roadway unnecessary. 6. Upon receipt of this requested waiver Tenderbough Realty Trust will resolve any outstanding title problems in the neighborhood by deeding the land proposed to be used for road construction to our neighbors.

RD reads letter from Conservation Commission dated 3/9/99. Dear Mr. Chairman and Board Members: It is the Commission's understanding that an applicant will be seeking review with your Board for a waiver to construct two additional houses off Susan Lane. There have been several proposals to work on this property in the last fifteen years. In fact, the Commission has issued two Enforcement Orders to prohibit work and denied one application. Due to the extensive size of the resource area on the property and sensitivity of being the wetland source for a perennial stream (Arnold's Brook), the Commission wishes to strongly urge that your Board not grant any waivers that would allow any construction on the property. It has always been the Commission's understanding that when the Susan Lane subdivision was constructed, the developer created Susan Lane and utilized the frontage to the maximum amount allowable by your regulation. The balance of the property including vast wetlands and a small upland were a result of the original owner's creation. Thank you for your consideration in the matter. Very truly yours, Clifford A. Matthews, Chairman.

EM asked if LandPlanning has gone before Conservation?

EK says no, he had no idea their concerns.

EM says that they don't know your access. I think the covenant will protect the neighborhood.

Warren Jenkins, neighbor on Susan Lane asks about the requirements to build near wetlands, distance from?

EK says that you certainly can't build within the wetlands and if you're going to build within 100' of the edge of the wetlands, then you have to file with the Conservation Commission to explain what you're going to do and they have to tell you what conditions you can do that under. The way we have laid this property out, we won't even be within that 100' (buffer zone).

EM says they may need to go to Conservation to prove that you aren't within the 100' buffer zone.

EK yes. They do have very strict requirements as far as what you can and cannot do in wetlands.

AM mentions that the wetlands have already been flagged.

EK says that we had Neil Anderson, Professor of Botany because we had a concern and we really wanted to make sure we knew where the wetlands were. We will probably file a Request for Determination with the Conservation Commission.

Randy Lynch, neighbor on Susan Lane asks how they know how good the soils are for the two houses if there hasn't been any perc tests done yet?

EK says that we are going a little bit on our professional experience. With the amount of tall Pines and the surface soils have indicated that the soils are real good. That will be our next step to make sure that the soils do perc and deep hole.

Jim Cantor, neighbor on Susan Lane. Wanted to ask if the lots that the shared driveway is being put between, if they are going to become undersized because of the driveway?

EK says that no, it is an easement, the lots will stay the same size. They are just giving us permission to go across their land with an easement for a driveway. They still own the land.

Rodney Serpada, 22 Susan Lane. Concerned about the shared driveway goes along the entire side yard and rear yard lot lines for one of the homes in the back. Asked if it could be moved so it doesn't lay right on the lot.

EK said that isn't a problem, they can move it to satisfy Mr. & Mrs. Serpada. Our intentions are also to leave a substantial amount of the trees that exist now.

EM motions to grant the waiver for two additional homes with the covenant attached stating that there will be no more than two homes built on the entire 30 acres with a shared driveway. AM second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

BUNGAY BROOK GOLF CLUB – Development Plan Review – Public Hearing

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

Joe Antanellis, Esq.; Howard Maurer, Golf Course Architect; Mike Simons, Guerrier & Halnon are in front of the Board to present the Development Plan Review for a 9-hole Golf Course on Locust Street called Bungay Brook Golf Club.

J. Antanellis explained to the Board that he represents the applicant TRG Family Limited Partnership who are the present owners of the property and the intended developers of the 9-hole golf course. In developing this plan we considered whether or not it would be necessary for us to file for a Special Permit under Section 4900 of your Bylaws because of the fact this property is in the Water Resource District. We did not feel it was necessary to file for a Special Permit because the uses weren't defined. I have gotten some correspondence from Phil Herr who asked a very significant question relative to Section 4900 and that's got to do with the removal of ground cover. In the Water Resource District, if you remove ground cover from 70% of the area then you are required a Special Permit. I wanted to point out to the Board that this is Agricultural Zone and it is a parcel of property presently used for agricultural purposes. The soil on this property is annually tilled, re-tilled, moved and disturbed and the fact that the only ground cover is non-permanent ground cover where the crops are planted. Which are harvested and removed and in the Fall, it is not uncommon for my clients to plant some rye seed for quick growth to help preserve the soil throughout the winter. But, it is our position that there is no ground cover. The intentions here is to build a high caliber 9-hole golf course.

H. Maurer gives a brief walk-through of the property and what their intentions are. The existing entrance will stay and the vegetable barn building will be the maintenance building and there is an existing building aside the maintenance building which will be the club house, same foot print. There will be a practice facility. It is a par 36 with a total of 3300 of fairlane. First hole is about 360 yards, second is a par-3, third hole along the rear of the property, forth hole is 490 yard par-5, fifth hole is really the only hole that interacts with the wetlands, you'll be playing over wetland area, sixth hole which is 450 yard par-4, seventh hole which is the twin of the forth hole, eight hole is about 430 yards, and the ninth hole is about 420 yards which features a pond. The pond will be where the green houses are now and will also be able to see from the clubhouse. It will also act as the irrigation pond.

M. Simons explains about the parking area and the local drainage. There will be a total of 99 parking spaces. We have also set aside an area at the lower parking lot for overflow in case that should occur. The storm water drainage is designed on a 25 year storm. The access quantity available for the pond will litigate the 100 year storm.

EM asked about the entrance into the site and asked about what looked like another entrance alittle way down the road.

M. Simons says there is only one entrance into the site.

WW asked if everyone got a copy of the letter from Phil? Asked about what their plans for earth removal?

M. Simons says that the plans are to remove about 400,000 cubic yards. It works better to be able to go in, take a flat area and start cutting in your sand traps and fairways, then to do it at the same time as your removing earth.

AM asked about drainage issues that exist up in that area and will this at all help it?

M. Simons says that this particular project won't help those problems.

AM asked if they could at all help to fix some of the problems?

M. Simons says that one of the comments that we got from Don DiMartino is that infront of the site there is one of the problems. When Mr. DiMartino returns from vacation, we are going to set up a meeting to discuss.

EM says that he is alittle disappointed in the plans. There are alot of items missing, the wrong scale and other items. The first issue on Phil's letter is the ground cover and we all know that it is a farm and it is excavated every year and I don't have an issue with that.

WW mentions that the only reason you might want to apply for the Special Permit so you don't have a risk later on down the road.

J. Antanellis and again we did discuss that in the development aspects of it and our sense was that historically the disturbance of the land is so continual that there is no question in our mind that there is no ground cover. We will make an inform decision.

WW says that on behalf of the Planning Board we would like to send the drainage calculations and plans out to an independent engineer to oversee your engineers work at your expense on behalf of the Town of Bellingham?

J. Antanellis says that one of the questions we have is whether or not the review is limited to the parking area, the building, or is it relative to the construction of the golf course?

AM says that there is alot being done to this property, I think the entire site needs to be reviewed.

J. Antanellis asked if the Golf Course Arch. And Guerrier and Halnon would be able to consult with the independent engineer that the Town hires?

WW says yes, definitely.

J. Antanellis says we will agree to pay for that service.

EM suggests that the changes noted in Phil's letter should be made to the plans before a package is given to Denis Fraine to pass on to an engineer to review on behalf of the Town.

J. Antanellis says that #6 in Phil's letter is very positive. The chemicals now used in Golf Course preservation to keep those fairways nice and green are alot better for the environment than a farm or house lots.

AM asked if the Clubhouse would be opened year round?

Emil Gareau, owner says not at this point, just during the Golf season right now. We don't know what is going to happen later on down the line.

J. Antanellis mentions that the family also owns the abutting parcel that has Jenks pond on it that they have been drawing water for the farm from it for years. They have rights to that water and they aren't even going to take what was used to be taken out for farming. We will provide to the Board and easement that meets Town Counsel's approval relative to the point about not taking water from the Town.

AM motions to continue the Development Plan Review for Bungay Brook Golf Club to May 13, 1999 @ 7:30 pm. EM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

EM motions to grant the extension for time period of action of the Development Plan Review of the Bungay Brook Golf Club to June 10, 1999. RD seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

COUNTRY HOME BUILDERS – Informal Discussion

J. Antanellis, Esq. representing Brad Wright president of Country Home Builders and owner of the property being talked about tonight on the corner Hartford Ave. and Hixon Street with regards to Multi-Family use. Mark Anderson from Andrews Survey & Engineering also present.

J. Antanellis there are pre-existing apartments on this property right now. Over the last couple of years Brad has given a large amount of attention to this property and what is the best way to develop it. We are very aware of the 50 unit concept plan. We are coming in under that with 49 units including Brad's house that abuts this property. It will be serviced by on site septic. The gallonage of which in totally including the septic system that services Brad's house will not exceed the requirements of DEP for on site discharge. We don't think it is going to impact the traffic. We are going to have to make those showings to you at a Special Permit hearing under the criteria that is required. It is going to consist of multi unit buildings. They are going to be two stories with a few ranch styles. There are 14 existing multi-family and two will be removed, they will remain in tack during the initial stages of the construction. During the last phases of construction the existing multi-family units will be reconstructed to look like the new ones.

M. Anderson of Andrews Survey walks through the basic site plan. We have provided for 2.5 parking spaces per unit. We are in the process of designing the storm water management for DEP. All pervious surfaces will capture all water into a catch basin system to a detention facility which is located down at the front of the property on Hartford Ave. It is designed for a 100 year storm. Landscaping is provided throughout the parking area, septic system consists of a pump system which the tank and chambers are down at the entrance of the project, pumping up to a large leach field to the back of the property. The Board of Health has been up and witnessed all the perc testing. The system will support 9900 gallons per day use which includes the entire complex. The reason for putting everything down at the entrance is the anticipation of possibly some day going into a municipal sewer system. Radius turn arounds are the maximum Mass. Highway radiuses for large trucks, which will clear all emergency vehicles as well. There will be a 24 foot lane of pavement coming out onto Hartford Ave. with a clear visibility of 400' and exceeding 400' in the direction of South Main Street.

WW asked how many bedroom units they are?

M. Anderson says two bedroom units, the ranch styles are one bedroom.

EM asked how many ranches?

B. Wright says 4 ranch style. 32 townhouse styles (2 bedrooms, 1.5 baths).

T. Guerin asked why they didn't just loop the road onto Hixon Street.

B. Wright made the comment that Hixon Street is only one car wide.

RD asked if the Town can take advantage of this development and widen Hixon Street at that end.

M. Anderson says that it appears that the Town has marked trees that intend of being removed in the right of way already.

EM says that I think this being a Special Permit the Town would have more to work with if you gave them some.

M. Anderson says that is something that can be discussed.

B. Wright says that could definitely be done, but it might affect my setback and if that is so then I would just ask it be waived.

M. Anderson says that it could be done as an easement so the setbacks wouldn't be affected.

T. Guerin says then that's the more reason to loop it to Hixon Street. Then, what if there is an accident at the Hartford Ave. entrance, then how would the people get out of the project if it was a cul-de-sac?

J. Antanellis says then you have to worry about liability. If you talk about safety reasons, then you could designate the entrance onto Hixon Street as one way out and no entrance from that way into the project.

WW asked about the water and where it goes? Asked if it loops back to Hixon Street?

B. Wright says from Walter Morse to Hartford Ave. on Hixon Street everyone has wells. Just the first four houses.

WW asked if the water line that runs through the project could be looped out to Hixon?

B. Wright says not at this time.

J. Antanellis says that if we do make the roadway through the project loop out to Hixon Street there are two issues we would consider. It only be a one way out only and it be speed bumped. We just don't want to provide a public access through a private development.

EM asked about how far is the entrance out of the project onto Hixon Street down to Hartford Ave.?

M. Anderson says it's about 900 feet.

EM says then the Town could gain 900 feet of a few more feet to widen Hixon Street?

B. Wright says that will be fine.

WW asked if Brad had town water?

B. Wright says that he tied into Town water because there is a hydrant at the corner of Morse and Hixon.

WW says maybe when he brings the water main through his project he could loop it back out to Hixon and up to Morse?

PC says it make sense to loop it and not dead end it. Asked how far from the exit onto Hixon Street up to Morse is it?

M. Anderson says probably about 250' plus coming out of the site.

PC says Don DiMartino is going to probably ask you to do that because of fire protection as well as good water quality.

J. Antanellis asked what the Board's Agenda looks like.

WW said May 13, 1999 @ 8:00 pm.

J. Antanellis says that is fine and thanks the Board for all of their input.

81-P SUBMISSION – Brittany Road

AM abstains.

Bill Halsing of LandPlanning presented to the Board an Approval Not Required for Brittney Road and he says that this solves a problem. We are doing a land swap in order to bring the lot into conformance.

EM had alot of questions because the owners that are noted on this plan was not on the approved subdivision and there are lots shown on the 81-P that weren't on the subdivision plans. He thinks that Phil should review just to make sure it is okay.

RD motions to send the 81-P for Brittney Road to Phil for his review. EM seconds. Unanimous vote of 4 (WW, RD, EM and PC) AM abstains.

MINUTES ACCEPTED

PC motions to sign the minutes of 12/23/98 meeting. EM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

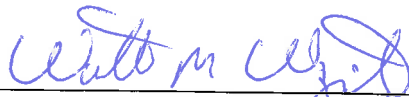
PC motions to sign the minutes of 1/21/99 meeting. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

PC motions to sign the minutes of 1/28/99 meeting. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

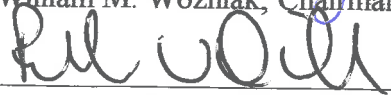
MINUTES OF PLANNING BOARD MEETING

March 11, 1999

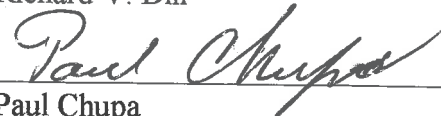
PC moves to adjourn at 10:30. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).



William M. Wozniak, Chairman



Richard V. Dill



Paul Chupa

Edward T. Moore

Anne M. Morse