

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

RICHARD V. DILL, CHAIRMAN
PAUL CHUPA
VALERIE DeANGELIS
ANNE M. MORSE
WILLIAM M. WOZNIAK
STEVEN CHOINIERE (Alt.)

MINUTES OF REGULAR MEETING

September 9, 1999

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

GENERAL BUSINESS

The Board signed payroll for clerk.

81-P SUBMISSION

Roger Gagnon of Gagnon Homes presented to the Board an "Approval Not Required" plan for a lot located at Heritage Pines. Al Florentz of Bibeault & Florentz was also present. The plan showed breaking off 7,000 square feet off of Lot #10 and making it a non-buildable lot. They are breaking it off because of the possibility of an abutter from a different parcel of land buying it for his use to make his lot conforming.

PC asked if the parcel they are removing if from has enough land?

R. Gagnon says yes, there is plenty. The lot that it might be added to is fronted on Rte. 126. It has nothing to do with this Subdivision.

VD asked about the frontage of the lot he is removing this land from.

R. Gagnon says the frontage is the same.

SC asked if the lot is already sold?

SC asked if the new owners know that he is taking land?

R. Gagnon says they have signed a paper.

WW says that you can't come here and ask for this if you don't own the land. The present owner should be here before us.

R. Gagnon says that their lawyer just told me to come and get a plan signed.

AM told him to get the owner of the lot to fill out the Form A application and let Phil review it prior to our next meeting. Also, if you have an agreement signed by the present owners that they have agreed giving up this land, should also be submitted.

WILSON ASSOCIATES - INFORMAL DISCUSSION - 2 LOTS ON LAKE STREET

Wilson Associates presented to the Board a plan showing two lots on Lake Street with a common driveway. They were asking the procedure and if they need to come in for a full Definitive Subdivision. We would like to make the roadway private to access two lots.

WW asked how much road frontage?

Wilson says there is 176'

WW says there isn't enough frontage for the second lot. It doesn't meet a back-lot subdivision because you don't have enough frontage out front.

Wilson says they are planning a 40' right of way with a 60' cul-de-sac with 22' of pavement.

VD says you could put in a subdivision and make it a road and then you could ask the Planning Board for a waiver on the pavement width.

WW says the if you want you could go to the Zoning Board and try and get a variance for frontage on one lot. You will still have to come before the Planning Board.

AM says you need to submit a full subdivision plan and then requests the waivers you are looking for.

PC suggests giving Phil Herr a call and asking his recommendation on what steps to take also sending him a copy so he knows what he is talking about.

Wilson says he is going to forward a copy of the plan to Phil.

MINUTES ACCEPTED

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VD motions to approve the minutes from 7/22/99 meeting with the following changes: Pg. 17 where it says "VD says that they had mentioned." it should say "VD says that the Selectmen had mentioned". AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

FLEUETTE DRIVE - STREET ACCEPTANCE DISCUSSION

VD abstains.

Moe Morin was in front of the Board to discuss the acceptance of his road Fleurette Drive at the October 13, 1999 Town Meeting.

VD says that we have a letter from Don DiMartino dated 9/9/99 of all the street acceptances stating that he hasn't had time of the man power to really look at all of the streets. He is recommending that the Planning Board could accept these roads but retain security until all the work is complete.

M. Morin says that he isn't requesting any security be released until after Town Meeting.

Ted Bailey stated that I have inspected Fleurette Drive and it is totally ready for Town Meeting approval.

WW asked about the checklist from the DPW.

JK says that she just received that one letter from DPW for all the streets.

WW says that he doesn't like doing this.

VD agreed.

T. Bailey says that the only thing missing on Fleurette Drive is the as-built.

M. Morin had it with him tonight.

Jim Caddack asked about the AutoCadd Electronic copy of the as-built?

T. Bailey says that this is an older street that isn't required to submit a AutoCadd.

Jim Caddack asked Mr. Morin if his engineer could provide an electronic as-built?

M. Morin didn't really know. He would ask.

RD says that it seems that street acceptances and completion's of streets always come back to bite us.

SC says he has a problem recommending any of these streets when they aren't ready to be accepted. These roads are not all ready to be accepted, they shouldn't be on this list. I've seen

some of the roads on this list and they aren't ready for acceptance. I don't know about Fleurette Drive because I didn't drive down there.

RD asked how much money is left in the bond for Fleurette Drive?

JK says there is \$8,300.00 in the bond.

VD says that this is not the normal way the Planning Board recommends items. We recommend based on the information given to us by the DPW. The problem is, if the outstanding items don't get done, the Planning Board is responsible, because we made a recommendation. A lot of these cases, there is additional work to be done.

T. Bailey states that there is a Form J that shows items to be completed with dollar amounts and a Form I that is a list of items that are initialed by certain people once the work is done. The Form J is initiated by the Contractor in order for releasing his bond. Form I is a Subdivision Inspection Checklist.

AM says that the Form I is what the Board needs to see in order to see what is outstanding on the project.

VD says that there is \$8,300.00 being held in the bond. Is there any work remaining to be done?

M. Morin says none.

T. Bailey agreed.

M. Morin gave the Board a copy of the as-built and asked about another plan that he was looking for the Planning Board's signature labeled "Layout Plan of Fleurette Drive".

VD didn't know what they "Layout Plan for Fleurette Drive" was and suggested Mr. Morin sending it to Phil Herr and asking him if the Board needs to sign it.

WW motions to recommend Fleurette Drive to Town Meeting contingent upon receiving the Form J prior to the Finance Committee meeting on 9/14/99 and also contingent upon receiving a CADD GIS disk of the as-built for the DPW. VD seconds. Vote of 4 (RD, PC, VD and WW). AM abstains.

WAL-MART SITE PLAN - Continued

Margaret Boals, Attorney for Wal-Mart as well as the manager for the Bellingham store, Diane Brooks comes before the Board. We have decided to withdraw the Site Plan Review because we realize we don't have a long term solution for storage and we need to go back and figure out a long term solution and to accommodate the storage issues that we have. Deputy Guerrin met with Diane this week and they looked at the trailer situation and she understands where they need to be placed so that they are not in the way of access by the Fire Department. Therefore, we would like to withdraw our application without prejudice. Regarding the letter that was sent by Town Counsel in regards to the parking and whether or not the trailers are going to interfere with

the number of parking spaces that are required. I spoke with the architect and right now there is a total of 221 extra parking places and that will accommodate 50,000 square feet. We have so many extra parking spaces that parking is not an issue.

AM motions to accept Wal-Mart Site Plan Review withdrawal without prejudice. VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

NORTHEAST DRIVE - STREET ACCEPTANCE DISCUSSION

Robert Ballarino was present requesting the Board's recommendation of Northeast Drive to be accepted at the October 13, 1999 Town Meeting.

RD asked if we have any correspondence from DPW?

JK says the same letter stating that he hadn't had time or the man power to complete his paper work and he feels that it should be recommended.

WW asked if there was any correspondence from Conservation Commission?

JK says that there aren't any issues with Conservation Commission.

WW says that there is a detention pond on Northeast Drive.

R. Ballarino says that there is a detention pond on Northeast Drive.

WW asked if it was built according to the plan?

R. Ballarino says yes.

VD mentioned the Board received a letter from a residence on Northeast Drive dated 7/9/99 regarding outstanding issues. Dear Mr. Dill: It has come to our attention that the town has not accepted our street. We were just informed that Mr. Bob Ballarino still has outstanding work left to do in our development. 1. Boundary Markers 2. Retention pond improvements 3. Plot plan of the entire development. We hope that you will have Mr. Ballarino complete these things. It is very important that our street is accepted. Vandals have stolen the street sign and we are not on the map of Bellingham streets. There are presently three (3) children and an expectant mother on our street. Our neighborhood is concerned that emergency services will not be able to locate our street. We realize that plowing, street sweeping, etc., aren't absolutely required until the street is approved. This would be unacceptable if police or paramedics could not reach us this winter due to the town not plowing. This development has been "completed" for over two (2) years. Every family on this street has tried over and over to contact Mr. Ballarino unsuccessfully. The only time my husband and I have gotten anywhere with Mr. Ballarino is when we contacted the Planning Board, not Mr. Ballarino (i.e. the sidewalk grass completion). We hope that you will not let our neighborhood down. You have come through for us in the past and we hope you will be just as considerate and helpful as before. Thank you for your time and support. James and Linda Joyce.

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R. Ballarino states that his phone number is in the book and I am always accessible. The detention pond has to be calculated, the bounds put in and the as-built done. That is all that is left to be complete.

VD asked how much money is being held for Northeast Drive?

JK says we have \$7,800.00.

VD asked Mr. Ballarino when he proposes the work to be complete?

R. Ballarino says that he thought it would have been done by now. The engineer was supposed to have it done. I instructed him to do it and he says he is going to do it.

VD asked if he expects to have it completed prior to the October 13, 1999 Town Meeting?

R. Ballarino says yes, I hope so.

RD says that Mr. Ballarino says he hopes so, but you have also said you would have thought would have been done already.

R. Ballarino says okay, then withdraw it. I was being pushed to get it accepted.

SC mentioned about some curbing being missing at one of the driveways and looks like is washing out under the road. There is also some other areas where the curbing is missing and part of the sidewalk is caving in.

RD asked if the money we are holding is enough money to complete the outstanding work?

T. Bailey didn't think that \$7,800.00 was enough money to complete the outstanding items.

WW motions to accept the withdrawal of Northeast Drive for street acceptance to the October 13, 1999 Town Meeting. VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

BROOKSIDE ESTATES DISCUSSION

Bob Ballarino is present to speak to the Board regarding is intentions of the completion of Brookside Estates. He states that the Contractor (Steve Vitale) is supposed to be starting the work within the next couple of weeks. Steve Vitale is also supposed to be here tonight, but he is not yet.

VD reads letter from Town Counsel dated 9/9/99. Dear Mr. Dill: I am in receipt of your correspondence of August 27, 1999 relative to the above-referenced project's performance bond secured by the deposit in the amounts of \$28,700.00 and \$32,100.00. It would be my understanding that the Board would have to be advised by the Department of Public Works as to what work is remaining to be done, and with an estimate as to what the expenses associated with that work would cost. Whereupon, the Board would notify Summerlan, Inc. of the necessity of the completion of remaining work on or before the date provided, and upon their failure to do so,

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or to provide some justifiable reason for its non-completion, that the Board then would withdraw the funds which would be used for the purpose of making payment to the Contractor to complete said work which has contemplated by the release of covenant. It is my further understanding that the Town is in possession of the Bank Book with the deposits and has a signature of release provided by Summerlan, Inc. in each instance for those occasions. If you have any further questions with regard to this process, please advise. Very truly yours, Lee G. Ambler.

VD asked Ted Bailey if he has something in writing relative to the work that needs to be done.

T. Bailey says that there is a number of punchlists.

VD asked if the Planning Board has a copy?

T. Bailey says no, it is at the DPW office. The Planning Board was forwarded one at one time when the DPW was requesting an additional \$25,000.00 bond and most of that punchlist has been completed. The DPW is very interested in the schedule they are supposed to come up with in order to get this project back in track. It has been quite a long time since the contractor has been in there. Steve Vitale did put an underdrain in, which was not part of the bond issue, but the amount of work that was done in the amount of time, it was very, very slow. If he could come up with a schedule that we could live with then I would recommend not pulling the bond. If not, then I would probably get Mr. DiMartino to recommend pulling the bond.

VD says at this point, based on recommendation from Town Counsel I think we should have something from the DPW addressing the work that needs to be done. Once the Board receives that, Mr. Ballarino could talk about a date for the work to be done and if it is not done by that date, then the Town could look at taking the bond.

WW asked how much work has been done in the last two months?

T. Bailey says nothing.

Mrs. Kutcher (abutter on Thayer Street) has concerns about the drainage from that development and all the water and dirt runs right into my backyard. The catch basins aren't working. The streets look terrible.

RD asked Ted Bailey how long in his opinion should it take to complete what needs to be done?

T. Bailey says if he had to estimate a time to complete he feels that it could be done by the end of the year.

Michael Civitarese (23 Edgehill Lane) answers the specific question on how much work has been done in the past two months. There was about 2 to 3 days on either side. Two days on Woodside and 3 days on Edgehill to install a 4" subdrain. That was, as Ted said, an after the fact outside the bond issue. From talking with the contractor there was talk that lack of payment was the reason for the lack of work being done. There was a period of time that the trenches stayed open and exposed. Parts over on Woodside where there were 2 to 4 foot excavations left open, un-protected and un-guarded. The street was never swept down, so you had siltation run-off. Catch basins filled with siltation, therefore drainage system wasn't working. As far as the amount

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of work to be complete, there is a list of items that need to be complete before you get to the asphalt part of the work. There is differential settlement where the trenches went in, the road has collapsed in places, there are whole sections of asphalt that are missing. You have exposed catch basins and manhole covers that are above grade..... There is also the issue on how much money is left versus the amount of work that is required to be done. Ted Bailey is already working on coming up with a figure. There are Conservation Commission issues as well as easement issues that have to be settled. There is a ton of engineering issues. All of these people have been waiting patiently for two years. The DPW's response is that we cannot do anything because the road is still Mr. Ballarino's. The two year date for completion of the work is up on September 19, 1999. We are all concerned that September 19th is right around the corner, there is a ton of work that has to get done prior to the asphalt plants closing. We don't think Mr. Ballarino is going to be able to get it done.

Ronald McDonald (Brookside Lane) says that Mr. Ballarino doing is project has toar up 150' of my property and it hasn't been repaired. T. Bailey says that he has seen plans that shows them grading my property where they had toar up. My opinion is that grading is not the solution to fix my yard. It is a drop of atleast 5' and in order to grade that he has to eat up another 15' of my yard. In my opinion a retaining wall would fix the problem, not the grading.

Mr. Kutcher (Thayer Street) says he has lived here for 33 years. We have always had alot of water at the top of the hill. Part of my problem is every street up there (Thayer, Brookside, Edgehill and Woodside) the town is eventually going to have to replace everyone of them. The roads have gotten ten years more use with all of his equipment running on it. I have a catch basin in front of my house that has taken several hundred pounds of dirt and gravel running off from the development. This is a terrible project.

WW says that the Planning Board's job is to approve a plan that meets the letter of the law for a subdivision. We have people that work for this town full time that it is their job and responsibility to oversee these projects once this Board approves them.

M. Civitarese (23 Edgehill Lane) says that we are all very angry. Our main concern and goal is just to get what we are paying for. All we want to know is what is the most clean, efficient, direct path to getting that project done. The time frame is running out for this season.

AM says that there are steps we need to take. We need to ask DPW for a list of what needs to be done and the anticipated cost.

R. McDonald (Brookside Road) asked what Ted Bailey's functions are?

T. Bailey says that his function is to inspect anything that the contractor put on the site is up to code and up to specs and according to the approved drawings.

M. Civitarese asked if anyone has asked Mr. Ballarino if he would prefer to just walk away and let someone else finish it?

RD asked Mr. Ballarino if it is his intention to get this project completed?

R. Ballarino says yes, it is. If you want to take the bond money, fine.

PC says that we don't want to take it.

VD says that we are here to try and resolve this situation. The first thing that we should do is ask the DPW for a punchlist as well as an estimate of all the work that needs to be completed. That way we will know where we stand. We have this much money in the bond, and this is how much money it is going to cost to complete the work. I think the reason Town Counsel requested that we do it this way is because it is better for the Town if Mr. Ballarino completes the work. Because, he will have to pay for the over amount for the work that needs to be completed. When September 19th is up, the Board will look at that punchlist and will consider whether or not we should take the bond.

RD says that also, we should try and get a project plan and time schedule from Mr. Ballarino in writing as to how long he feels it will take him to complete the work that needs to be done.

VD says that we are going to schedule time on our meeting of September 23, 1999 @ 8:15 pm for this issue to review the next step for this project.

Steve Vitale (Contractor hired by Mr. Ballarino) states that he asked Mr. Bailey for a punchlist three weeks ago with prices and haven't received that yet. I'm not monetarily sound right now so I just can't keep working without getting paid.

RD asked T. Bailey if S. Vitale asked for a punchlist?

T. Bailey said that he asked for the Form J's and he has a copy.

S. Vitale says that he was asking for an amount on each item.

WW asked if S. Vitale's intent was to finish the road with what's left in the bond?

S. Vitale says that he wants to see what the cost is on what is left to be done and if it is feasible. I know that I can do most of it.

WW asked what time frame?

S. Vitale says that first of all you need to get an engineer and find the center of the road. I don't know what side lines are right or not. I think it can be done in a month. I would like to price the work, do the work and get paid from the bond money being held with the Town.

AM says that she thought it had been done that way before with the right paper work.

Craig Raynolds (Woodside Lane) asked what their recourse is?

RD says that would be a question for Town Counsel.

AM says that we are starting with the procedure. We need to respond to Town Counsel with his request for a punch list with values.

Michael Civitarese hands into the Board a list of signatures from the residences up on Brookside Estates, Edgehill Lane, Thayer Street and Brookside Road that we are concerned with the completion of this project and we want it resolved.

DEER RUN ROAD & TAYLOR DRIVE - STREET ACCEPTANCE DISCUSSION

VD abstains.

Timothy Jones of Gracewood Development is in front of the Board asking for their recommendation for Deer Run Road and Taylor Drive to get accepted at the October Town Meeting. I misunderstood as to how the Street Acceptance process goes. I thought that I had to two weeks before the Town Meeting to complete my items. There is nothing wrong with the road, there is only a few items that need to be done.

Ted Bailey says that he has about a weeks worth of work to be complete.

T. Jones says that he has no problem withdrawing until the Spring Town Meeting. I was trying to do this for the residence because they do want to road accepted to be able to get the police down there and radar because it is a little speed way. They can't radar on the road because it is not a town accepted road. I just need to put street signs and a couple of fences.

AM asked if there are any improvements to the road that needs to be done?

T. Jones says no.

T. Bailey says that it is street signs and fences around the detention ponds.

AM asked if the as-builts have been done?

T. Jones says as-builts are done CAD disk is ready and bounds are set.

AM feels that we could recommend and pass over if the items aren't complete by Town Meeting.

RD asked when we are going to get to the point when we have the contractors do what they are supposed to do in the time frame that they are supposed to do it?

T. Jones understands and he is not under the gun to get it in to the October Town Meeting. I don't have a problem getting the items done by October. I just didn't understand that it had to be done for a Tuesday FinCom meeting.

AM feels that it is in the interest of the Town due to the traffic issues.

T. Jones says that he understood it to be 100% by Town Meeting.

Sgt. Daigle (Safety Officer) states that there has been a traffic problem down there and alot of complaints because of traffic.

T. Jones says that the fence installer said that it would be done in the next two to three weeks.

T. Bailey says that he will put the paper work through and state that within two weeks before the Town Meeting everything is complete or not complete. It was my fault. I told all the contractors that they have until two weeks prior to the meeting to complete the non road issues.

AM motions to recommend Deer Run Road and Taylor Drive with the conditions that the fences be installed around the 2 detention ponds, the street signs installed and as-builts with CAD disk be submitted two weeks prior to the October 13, 1999 Town Meeting.. PC seconds. Vote of 4 (RD, PC, AM and WW). VD abstains.

DUNKIN DONUTS - SPECIAL PERMIT & DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - CONTINUED

Stephen Kenney, Attorney for Dunkin Donuts came before the Board and asked to withdraw the Special Permit application and the Development Plan Review application without prejudice. Mr. Placido has come to the understanding that the Town's people were against Dunkin Donuts at this site. Also, observed that the Board was also against this. We hope that in the future, should Mr. Placido engage in a different site, hopefully it will be a better site. Hopefully, the Board would consider a Special Permit with a drive-thru at a different location.

VD motions to accept the withdrawal of the Special Permit application and Development Plan Review application from Dunkin Donuts without prejudice. WW seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

JOSEPH CIRCLE - STREET ACCEPTANCE DISCUSSION

Anthony Delapa is before the Board asking for their recommendation. I still have pavement to be complete as well as as-builts. I withdraw without prejudice and come back in the Spring for town acceptance at the May Town Meeting. I would like my bond to be reduced for the items that are complete at this point.

AM says that you have the right to request that.

WW motions to accept the withdrawal of Joseph Circle to spring Town Meeting. VD second. Unanimous vote of 5 (RD, PC, VD, AM and WW).

T. Bailey asked if he paves this week will the Board release his pavement money?

WW says that if the pavement is complete, then we can reduce the bond for the work that has been complete.

EMPIRE CIRCLE - STREET ACCEPTANCE DISCUSSION

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Jim Reger is before the Board requesting their recommendation of Empire Circle to the October 13, 1999 Town Meeting. He says that the road has been in for about 7 years and we have the as-built. Ted I believe has reviewed everything.

VD asked Ted Bailey what he could tell the Board about this subdivision?

T. Bailey says that Empire Circle has been completed for a number of years and was a part of Country Club Estates and broken out as separate. The street is complete, and is showing a little bit of aging, but it is fine.

WW asked why it hasn't been accepted before this?

J. Reger says that it had got involved with the FDIC take-overs, partnership broke up and just was never done.

VD asked if the Town was still holding a bond?

JK says they are holding \$5,000.00 under Hyper Realty Trust.

AM asked who the trustee is?

J. Reger says the gentlemen sitting next to him is the trustee.

SC asked about the aging and if it should be brought up to 100%?

T. Bailey says that any of the other streets in town that have aging, there is a once a year maintenance. Don picks the streets that needs a little crack filling.

WW says that if it has been a private road for five years. Now all of a sudden, you want it town accepted. Should we accept a road that is five years old, or should we accept a road that is five years old, but up to par? If it has some cracks, I think they should be filled before we accept it.

VD asked if J. Reger would be willing to fill in the cracks?

VD motions to recommend Empire Circle to October 13, 1999 Town Meeting with the conditions that the cracks in the road be filled by September 30, 1999. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

**MAPLEBROOK COMMONS - SPECIAL PERMIT & DEVELOPMENT PLAN
REVIEW - PUBLIC HEARING - CONTINUED**

Bob Maschi, Engineer for Gail Fallon (applicant) is in front of the Board to update everyone on the status of the outstanding issues. As of yesterday, we have not received any information from Town Counsel. I took it upon myself to send him a letter on September 8, 1999.

JK lets the Board know that she received correspondence from Town Counsel today and they have copies.

B. Maschi says that his clients are working with the existing condominium associations. There is a scheduled meeting on the 14th of Sept. to straighten the agreement out. I just don't feel that Lee's letter addresses the concerns that we have.

AM says that Lee's letter says that we should not approve anything relative to this project until the agreements have been resolved.

VD asked if M. Maschi could give these assurances?

B. Maschi says that it will always be a private road. It will be maintained by the condominium association.

VD asked if the issues with the sewers have been resolved. Can Mr. Fafard transfer his 50 units or so over to this project?

B. Maschi feels that has been clarified by the DPW Department.

JK mentioned that she spoke to Anne Matthews with the Conservation Commission and MEPA has approved 20 units with sewer but should you build more than that, they need to go through a project change.

B. Maschi states that we only have permits to sewer 20 units on record. They have approved 20 units. That declares that we come under the old rules and regulations. We don't come under the new rules and regulations which would have meant we come under the Rivers Act which would wipe out 50% of the project. They said, in fact, because of the controversy on the sewer. I'm not sure that they know we have another 50 or so units available. Now, they are saying they would rather see septic systems rather than public sewer. If it goes that route because there is not available sewer, then we must re-apply to them. If it is determined, we may have to apply for further notice of project change. Assuming we have to change the layout of the sewer we have on the plan. If we don't have to change it, they are saying it may require preparation of a supplemental EIR as well. This has always been the case.

AM says that her interpretation of the letter from Lee is there is all of these different agencies. They have to decide who is going to maintain this entire road as well as the sewer.

VD asked how can the Board vote on something conditional when we have advise from Town Counsel telling us not to act?

B. Maschi understands. It is frustrating when I ask a question and get an answer to something totally different. Last time I spoke to Lee I thought everything was fine. Apparently he did talk to Mr. Fafard the day of our last meeting. I guess what transpired was, he was reaffirming what I has told him as far as the sewer was concerned. He was aware of the letter from Phil Herr, but then he brought up the question of, is there an agreement between my clients and the existing trustees?

AM asked if that was a problem?

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B. Maschi didn't feel it was a problem. My question was, can the Planning Board conditionally approve this subject to obtaining sewer permits? That question wasn't even answered.

VD asked if we spent correspondence to Lee with this specific question?

JK said that she thought it was a question at one time. There was a letter from Phil to Lee dated 7/23/99 regarding Maplebrook Commons Sewer Obligations.

B. Maschi says that the Planning Board can put whatever conditions they feel necessary on the approval.

VD says that Lee addresses it somewhat. In his July 20th letter he says "I am especially mindful of the fact that none of the Special Permits require the developer to connect all of the construction to a municipal sewer and/or a system to be constructed on site. Without the full compliance of that requirement or the waiver of it. It seems senseless for the Board to entertain further modifications to the permit and not insist upon the compliance of that requirement."

B. Maschi says that we have proposed a complete gravity sewer system on the plan. It has met the criteria of MEPA, it has met the criteria of DPW. We have a clean letter from Amory Engineering. I think we are almost there. If this Board can come up with the conditions that they wish to see on an approval to ensure that the Town is not liable for any problems within the development. They can approve it with any conditions. On Phil's letter of 7/23/99 I want to point out the last sentence. He says "there is a possibility". We have been to the Conservation Commission and they are talking about phasing the project. If you phase the project, would the developer be required to do the total infrastructure or just build a portion of the road that effects the units?

RD says that you want approval for 80 units but you don't want to build the entire roadway?

B. Maschi says to make it a condition.

AM says that we need one person that we can turn to when things fail and say it is your problem.

B. Maschi says that if that is the issue, then that is fine. But, the question still remains: "can this board conditionally approve 130 units with a question on sewer capacity?"

AM says that she feels we can. Just make that a condition.

B. Maschi says that Lee has not answered that question.

AM says that he did. He said in his September 9, 1999 letter, "the obligation of the developer remains the same. That is to give the Town assurance that these roads will maintained and the sewers will be installed in accordance with both state regulations and town requirements." There is his answer.

VD I would suggest that we send another letter to Lee and ask him to clarify and to respond by a date atleast a few days prior to the next meeting. Jill can get that to RD and if it is not clear then maybe he can call Lee.

RD says that what is clear to him is that Lee is pretty much putting it on the Board's descretion and decision to do whatever they think they should do.

AM motions to grant the request for an extension for action for the Special Permit & Development Plan Review for Maplebrook Commons to October 15, 1999. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

AM motions to continue the public hearing for the Special Permit and Development Plan Review for Maplebrook Commons to September 23, 1999 @ 8:30 pm. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

SC and AM leaves the meeting.

TOWN COMMONS ESTATES (Tony Drive & Jamie Drive) BOND REDUCTION & STREET ACCEPTANCE DISCUSSION

Anthony Marinella was before the Board requesting his bond be reduced for Town Common Estates as well as his roads be accepted at the October 13, 1999 Town Meeting.

WW asked what the \$10,000.00 line item for Conservation Commission is?

T. Bailey explains that is for the maintenance agreement on the detention ponds.

RD asked about the item under miscellaneous - street lights bases awaiting Massachusetts Electric?

T. Bailey says that the bases are in and Massachusetts Electric has the work orders and it is just in their schedule.

WW who pays for the street lights?

T. Bailey says that Marinella pays for those until street acceptance.

VD asked if Tony Marinella anticipated completing the outstanding work prior to Town Meeting?

A. Marinella says yes, it should be by the end of September.

T. Bailey says there were Conservation Commission issues and they just have to approve the work that has been done.

VD asked about the as-builts.

A. Marinella says that he thought the as-builts were complete, he would double check on that.

RD asked if DPW could modify the Form J to put a line item in for as-builts and CAD cd?

VD asked what the amount of the bond we are holding right now?

JK says it is \$54,000.00.

WW motions to release \$34,000.00 of the bond for Town Common Estates and retain \$20,000.00 as recommended by the DPW. PC seconds. Vote of 4 (RD, PC, VD and WW).

WW motions to recommend Toni Drive & Jamie Drive to the October 13, 1999 Town Meeting with the following conditions be complete by September 30, 1999. Certificate of Compliance from Conservation Commission; Maintenance Agreement set up for detention pond, street poles and lights be installed and as-built drawings with CAD disk be submitted. VD seconded. Vote of 4 (RD, PC, VD and WW).

SPRING MEADOWS (Sidney Lane) BOND REDUCTION & STREET ACCEPTANCE DISCUSSION

Anthony Marinella is before the Board to request his bond be reduced on this project and that his street be accepted at the October 13, 1999 Town Meeting.

RD asked why Don DiMartino's signature is not on the Form J under the percentages?

WW assumes that it just wasn't completed?

VD asked how much money is being held?

JK says \$24,250.00.

T. Bailey says that the reason Don is asking for \$14,460.00 to be retained is the minimum percentage that the Planning Board requires to be retained till after Town Meeting acceptance. There is \$5,000.00 in there for the maintenance agreement for the detention pond.

WW motions to release \$9,790.00 of the bond for Spring Meadows and retain \$14,460.00 as recommended by the DPW. VD seconds. Vote of 4 (RD, PC, VD and WW).

VD motions to recommend Sydney Lane to the October 13, 1999 Town Meeting with the following conditions be complete by September 30, 1999. Certificate of Compliance from Conservation Commission; Maintenance Agreement set up for detention pond; street poles and lights be installed and as-built drawings with CAD disk be submitted.

GENERAL DISCUSSION

VD notes that Depot Industrial Park 20-day appeal period has passed and asked if the applicant new that?

JK says they do know that and they will be in at the next meeting with plans.

MINUTES OF PLANNING BOARD MEETING

September 9, 1999

VD asked about the Algonquin Industries complaint?

JK says that she spoke to Stuart LeClaire and he agreed that the Building Inspector is the policing authority and he would send Earl Vater to inquire about Algonquin Industries intentions for the screening and when that will be installed.

JK noted that she received a letter from Sgt. Daigle (Safety Officer) regarding the street lights for Maple Sands Subdivision and that they were not included in the plans but are now scheduled and all set to be installed.

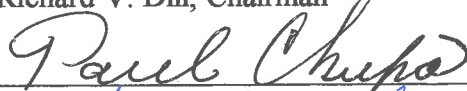
RD asked JK to mention that to Phil Herr and make sure he is aware of that.

VD mentions the Hartford Village Decision and asked about two items in that decision. She feels that there should be mentioned about Sgt. Daigle's letter regarding the clearing of trees, shrubs and earth on the corner of Hartford Ave. and Hixon Street. I also think that it isn't as stringent as I thought it was going to be relative to 55 and over. It doesn't, at all, discuss children. I think it should specify that will not be children.

JK says she will let Phil know.

WW moves to adjourn at 10:55 pm. PC seconds. Vote of 4 (RD, PC, VD and WW).

Richard V. Dill, Chairman



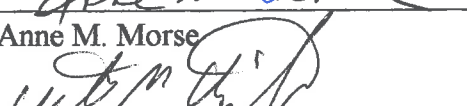
Paul Chupa



Valerie DeAngelis



Anne M. Morse



William M. Wozniak