

**Town of Framingham Planning Board Meeting  
March 18, 2004**

In attendance are Helen Lemoine, Chairman, Larry Marsh, Vice Chairman, Ann Welles, Clerk, Tom Mahoney and Carol Spack. Also present were Jay Grande, Planning Administrator and Carol Pontremoli, Administrative Assistant.

Meeting was called to order at 7:10 pm

II. Miscellaneous Administrative

Tom O'Neil, Precinct 8

On February 8, 2004 he submitted a letter to the Chairman regarding Crystal Springs Subdivision. He is here regarding the rescission of the permit.

????????

Eight Sixteen Worcester Road

Document #396-04 decision. Jay made changes and would like to Board to look over the document and if no changes he is asking the Board to sign the decisions.

The Board is in approval and will sign the document.

Approval of Meeting Minutes

August 12, 2003

Tom made a motion to accept the minutes with changes; Ann seconded the motion; voted 5 to approve 0 oppose

November 2, 2003 Tom made a motion to accept the minutes with changes specifically \$400 & \$500 with deletion of the executive session which will be distributed after the litigation, Ann seconded the motion, voted 5 approve and 0 oppose

May 20, 2003 Tom made a motion to accept the minutes with changes and adding Rob Gemma, Ann seconded, voted 5 approve and 0 oppose

September 16, 2003 Tom made a motion to accept the minutes with changes; Carol Spack seconded, voted 5 approve and 0 oppose

September 23, 2003 Tom made a motion to accept the minutes with changes, Carol Spack seconded, voted 5 approve and 0 oppose

Administrator Report

Signing of Approved Plans

Occupancy Permit

1  
2 II. Public Hearings

3 Continued Public Hearing, Site Plan Review Approval and Public Way  
4 Access Permit, 11 Beech Street

5 (to be continued) John DelPrete, attorney

6 They would like to submit a landscape plan. Ann noted the Conservation  
7 Commission is creating a list of plants and trees not to be used any longer.  
8 Ann feels they have made a real effort to make the landscaping look good.  
9 To be continued on March 25<sup>th</sup>, 2004

10  
11 Helen asked the Board if they are available for the Thursday, March 25, 2004.  
12 Straw poll is 5 approve and 0 oppose

13  
14 Jay noted that there is a Selectman's meeting and our meeting will not be  
15 video taped. Board members signed the plans.

16  
17  
18 Public Hearing for Special Permit for Dimensional Relief from Off-street  
19 Parking Design Standards, Site Plan Review Approval and Public Way  
20 Access Permit, 1283 Old Worcester Road

21 Paul Galvani attorney, Jim Rosenfeld, Boston Properties

22 Documents 413, 414, 415, 419 & 412

23 Jay revised the draft decision based on comments from last meeting. DPW  
24 sent their correspondence today #419.04. Jay noted their comments regarding  
25 parking and drainage. Technically it does not meet the 10 foot setback. The  
26 relocation is incomplete. Jay also noted the CAD digital

27 Paul noted the previous spaces have been pulled back. He also notes one  
28 space is 16 feet on one side and 12 on the other side. Paul noted they are  
29 trying to keep the lot as close to the same as possible. Paul also noted they are  
30 requesting dimensional relief. Jay noted the board approved the original  
31 parking plan under a different set of regulations. VHB will provide a  
32 dimension that is not actually show on the plan.

33 Carol Spack asked how many spaces were they granted in the old decision.  
34 Carol showed a parking plan the board approved in 1980. Carol asked the  
35 Board how many spaces they are looking at. Jay noted the variance is for 15  
36 spaces and it was a use variance. Subsequent addition of spaces /????? Carol  
37 also wanted to know if there is a second commercial use. Carol wants to  
38 know what was approved and what are they looking at now. Paul clarified the  
39 spaces on the west side of the building are not conforming spaces. They are  
40 adding them up to 20 because the actually park there. Larry Marsh feels the  
41 Board is beating a dead horse. The board has asked Drs Blum and Schwartz  
42 to give up some land and Larry would like to move on. He feels if the Drs did  
43 not give up their land they would not be

44 Kathie interrupted with a point of order. She notes there are neighbors here  
45 that want to be heard and would like the board to hear them.

1 Helen noted Kathie is out of order. Helen also noted the board is not ignoring  
2 the neighbors and they will be heard.

3 Document 413-04 Larry noted under findings there is an error on page 1.  
4

5 Amalier, 1295 Old Worcester Road

6 He believes there is a beauty salon that has been doing business for some  
7 time.

8 When he purchased his house he did not know there was a dentist at the  
9 property. He acknowledged there is a lot of traffic and asked the board to take  
10 careful review.

11 Helen noted if there is a second business, it would fall under the building  
12 inspector's department and they will be notified.

13 Helen would like to add that this is the conclusion to many public hearings.  
14

15 Carol asked how wide is the driveway on old Worcester Road. She notes the  
16 old plan and asked about the new curb cut. Paul noted it is a standard 24 foot  
17 curb cut.

18 Carol asked if that curb cut is a one-way.

19 Kathie McCarthy, Precinct 10, She feels there is a disability issue if this is a  
20 one-way it could put the handicapped space in hardship.

21 Ann notes the space is already been giving the dimensions under the law.

22 Helen suggest the board to ask the Engineering Dept to confirm this. Jay  
23 noted there would be a condition in the decision.  
24

25 Carol asked what kind of screening there would be. Ann felt this was  
26 addressed last week and it would be landscaped. Helen noted there was a discussion  
27 about landscaping and screening around the dumpster. Carol wants to raise if the board  
28 does not have a landscape. Ann would like to see approval and have the applicant submit  
29 a plan.

30 Kathie McCarthy?????  
31

32 Paul will reiterate that Dr. Blum has been there 23 years and no one has complained  
33 about the dumpster.

34 Kathie feels Mr. Abu was not discussing the landscaping.

35 Ann would like to clarify. The pavement on the western side is not changing, the area of  
36 paving is the same and the dumpster will stay where it is. She emphasized the concept is  
37 not to redesign the property but to take some property to help alleviate the traffic. Carol  
38 noted the applicant filed a site plan and the Board should look at the whole site. Jay  
39 noted the dumpster is small. Ann notes the improvement to the neighborhood is  
40 immense. They are giving up a portion of their property so traffic can be easier.

41 Larry would like a point of order. He would like to finish the decision.

42 Paul noted that Jim Rosenfeld wants to minimize the disruption of doctor's patients and  
43 try to keep the work to two days preferably a Saturday and Sunday for two weeks. Jim  
44 noted if Sunday is not permitted he would like to suggest 7 am to 5:30 pm on Saturday.

45 Tom noted he would not have a problem with Saturday hours and would not mind if they  
46 were extended. Carol noted the abutters will all be home on the weekends and would

1 rather see an extension of time during the week. Larry asked for a consensus to extend  
2 the extension of the time to 6:30 pm for two Saturdays. Carol Spack has not agreed.  
3 Carol noted if there is a second commercial (see tape?????????) Jay noted it was an error  
4 of cut and paste and there is no occupancy permit.  
5 Jay noted on item 15 and would like it deleted. Jay noted the Town Engineer states on  
6 the ??? there will be no sidewalk. Carol noted when she and Jay looked at the plans,  
7 there was no sidewalk. She would like to see sidewalks on Temple Street. Jay feels if  
8 there is an appropriate place on Temple Street, he would suggest a crosswalk. He also  
9 feel the Traffic and Safety Board should decide on the crosswalk.

10  
11 Kathie McCarthy wants to speak. Helen asked Kathie to wait until they finish. Kathie  
12 wants to continue to speak.

13 Bob DeShaw noted this discussion has gone on and the Board is getting no where. He  
14 would like to see the Board move on and noted the next hearing is over a half late.  
15 Helen noted

16  
17 Helen asked the Board to close the public hearing  
18 Ann made a motion to close the Public Hearing  
19 Larry Seconded the motion  
20 Voted

21  
22  
23 Marina O'Connell, 1297 Old Worcester Rd  
24 She has lived there over 30+ years and has never had a problem with the dentist. She has  
25 one  
26 big issue with access on Old Worcester Road. There are six or seven different ways to  
27 access Old Worcester and to add one more would be exacerbating. One more car  
28 entering the small space of 100 feet is going beyond. She feel that going to the 1997  
29 planning board meetings, she remembers them not giving any more space. She feel this  
30 is much to dangerous. She feels the Board did a great job across the street at CVS. She  
31 would like the Board to revisit the old PB decision.

32 Helen thanked her for her thoughtful and insightful information but asked where she was  
33 during the last meeting where all her issues were discussed. Carol noted when looking at  
34 the original plans on to Temple Street, the parking spaces on the west side would not be  
35 accessible. She agreed with Ms. O'Connell.

36 Ann feels there are also constraints on the topography with the incline on Temple. The  
37 incline would be at a high pitch. She feels it would be even steeper and they are  
38 weighing the traffic and safety. Ann doesn't feel the on going cars on Temple Street  
39 would see the traffic existing on to Route 9.

40 Ms. O'Connell asked what the grade would be. Larry noted that she articulated and  
41 would have appreciated her input in the beginning and we can not satisfy everyone.

42 Larry feels he would like to close the hearing.

43 Mr. Amalier 1295 Old Worcester Road – most cars turning are going across the grass  
44 when they drop off people. He feels there should be a sidewalk so people can have  
45 somewhere to walk.

46 Helen noted the Traffic and Safety commission will be notified.

1 Mr. ??? would also like to note that working on Saturday and Sunday would disrupt his  
2 household. Carol agreed with him.  
3 Larry noted this is a \$900,000 project and there may be some money for a sidewalk in the  
4 long run.  
5 Carol would like to volunteer to follow up with Traffic and Safety.  
6  
7 Larry made a motion to close the public hearing  
8 Ann seconded  
9 Voted 5 approve and 0 opposed  
10  
11 Tom made a motion that the application for Drs Blum and Schwartz>??????? As  
12 modified here tonight 414-04 as modified  
13 Larry seconded  
14 Voted 5 approve and 0 oppose  
15  
16 Tom made a motion that the application for Drs Blum and Schwartz in the decision dated  
17 March 9 be amended to night  
18 Voted 4 approve to 1 oppose (Carol Spack)  
19 413-04  
20  
21  
22

23 Continued Public Hearing for Mixed Use Complex, Building 1, 300 Howard  
24 Street, David Depietri  
25 Documents # 377 and 378, 393, 394, 400, 417 and 426  
26 This has been continued because of a the state and it has taken 7 months for  
27 them to be approved for a State variance for height.  
28 Aaron Cohen attorney and David DiPietri applicant.  
29 This application is for a special permit. They would like 1.25 parking per  
30 unit. There is short comings in the ??? but they have developed a park. Most  
31 that was requested has been presented but a couple were not able to be given.  
32 There was a request that no dimensional relief be given. As far as the most  
33 recent items in the letter from Planning and Development. David DePietri  
34 noted a possible error in a traffic study where it said 105, 000 car trips. Kathy  
35 Bartolini has noted she cannot defend the number and asked for it to be taken  
36 off the table.  
37

38 Donna met with Mr. DePietri and asked him what other commercial use  
39 would be used. The maximum allowed is 80% 20%. Right now they are at  
40 50% 50%. Carol noted she mentioned to use some space as artist space. Mr.  
41 Cohen is looking at the March 15<sup>th</sup> memo but can't find anything further. Mr.  
42 Cohen would like to discuss the sewer system. He feels that the sewer would  
43 not impact the downtown area. He noted the Board the infrastructure would  
44 not impact the sewer system. Mr. DePietri notes that in post development  
45 there would only be 40,000 gallons. On April 12 the region received 1.7

1 inches of rain and the system spike which shows the drains are tied into the  
2 sewer.

3 Larry asked Jay for a recap of the application. The site plan was approved in  
4 December 2002. Mr. Cohen noted on document 427-04 there is a paragraph  
5 that shows????

6 Jay explained the sewer capacity issue was ????????. Jay received a capital on  
7 the sewers at 3:30 pm Wednesday afternoon. There is a problem with the roof  
8 drain leaders and feels the town has not done enough. There is an issue with  
9 sulphides. Larry was asking on a broader sense with this decision. Jay  
10 would like to go through the decision tonight. Jay noted there is an issue with  
11 the sewer and downtown and is not sure how it will impact the applicant.  
12

13 Helen asked the Board to review the old and not the change in the new  
14 decision.

15 Jay noted these are very similar to the prior decision. Under G on page three  
16 he would like to note the supplemental information for pre and post  
17 development.

18 Carol asked about Paragraph I sub par F is not accurate.

19 Tom would like to make sure the letter of October 30, 2003 is in the record.

20 Helen would like to strike the statement F and the last paragraph in  
21 quotations.

22 The board noted the conditions are the same.

23 Carol asked how the mitigation binding respond to Donna Jacobs request to  
24 the sewer system. Jay feels he can not since he does not know what  
25 specifically he should ask for. Kathy Bartolini noted if she had her way a pre-  
26 existing sewer problem should not be put on new applications coming in. She  
27 felt they would go under the railroad track. They also found there is another  
28 line which come under Bishop St and triangle it under the track back up to  
29 Arthur St. The problem is at the railroad tracks.

30 Larry feels that each applicant should have to pay their fair share. He notes  
31 that after they have reviewed the master plan he doesn't know how to address  
32 it.  
33

34 Kathy Bartolini noted the problems are pre-existing and she would like to  
35 have the project but to make conditions.

36 Carol Spack asked if there is a condition that needs to be mitigated and she  
37 noted there needs to be a percentage for that. She feels the Board would need more  
38 advice.

39 Jay feels that 6% being assessed to the new applicants will be a tremendous burden.  
40 Helen needs clarification on meaningful mitigation and notes they have meaningful  
41 mitigation for the package of 1.2 million dollars with other things thrown in.

42 Jay noted the Board has received \$81, 000 dollars for streetscape and will receive  
43 \$400,000 state of the art athletic field and \$50,000 and \$150,000to the road  
44 improvements.  
45

1 Tom asked when they go for their permit, DPW will request that their I&I removed and  
2 noted that \$4.50 per gallon will be permitted. Either the developer will do it themselves  
3 or they give money for this. Mr. DePietri noted that will be in the tune of \$100,000.  
4 He also noted since 1997 there has been no building. He feels that when they started this  
5 project they were told to do many items which they have done.  
6 Ann asked Jay to get a letter from DPW which supports all that was asked of this  
7 applicant.

8  
9 Bob DeShaw, Precinct 14

10 He wants to make sure there are conditions in case of some future problems.  
11 He also would like to address the conditions of Building 2. Mr. DePietri  
12 noted the stairs would go away when Building 2 was completed.

13  
14  
15  
16 Paul Haggerty, Precinct 10

17 He would like to know if a survey has been made for more or a need for more  
18 commercial space in the area.

19 Helen noted this is just for residential use only.

20  
21 Tom made a motion to close the public hearing

22 Larry Seconded

23 Voted 5 approve and 0 oppose.

24  
25 Tom made a motion to approve permit for use as set forth and to bring it back  
26 to the board.

27 Larry seconded

28 Voted 5 approve and 0 oppose.

29  
30 Ann made a motion to conduct a public hearing after 10:30

31 Tom seconded

32 Voted 4 approve to 0 oppose and 1 abstention

33  
34 Continued Public Hearing for Special Permit for Mixed Use, Special Permit  
35 For Exemption in the Required Number of parking spaces, Special Permit for  
36 Reduction in the Required Number of Parking Spaces, Special Permit for Off-Site  
37 Parking Plan Approval, Site Plan Review Approval and for Public Way Access  
38 Permit, The Arcade, 101-175 Concord Street, 29, 31 – 45, and 47 Frederick Street  
39 ad 80 Kendall Street. Topic: Update on Architecture and time permitting updates  
40 on Traffic/Parking & Infrastructure.

41 Michael Gatlin, attorney, Mr. Clinton also in attendance is our consultants Bruce  
42 Leish and ?????

43 Mr. Gatlin handed out a document regarding 593 consultants and a memorandum  
44 or agreement.

45 Mr. Gatlin noted they are primarily hear to discuss design and their changes. Paul  
46 Simon will discuss the site changes they made. They are showing the previous

1 plan and a new revised plan. They have added more landscaping and visibility of  
2 the loading off Kendall Street. They also cut off the back piece of the parking  
3 structure.

4 Another area of concern was on Concord St. It was suggested for street scape  
5 improvements.

6  
7 The tape was just turned on at this point since the break

8  
9  
10 They added 10 trees along Concord Street and in the bump outs they used St.  
11 Monclair pear trees (ask Ann) there will be some new street trees which are tied  
12 into the gaps of the façade of the garage on Frederick St.

13  
14 Larry asked about the piece of building that is being cut off. Ed noted there is  
15 about 48 feet.

16 Tom asked about fire access between the garage and the building. Ed Clinton  
17 noted there is approximately 24 feet. There is built-in fire systems. Ann asked if  
18 the crosswalk has been realigned. Paul Simon noted it has.

19  
20 Ed Clinton, Architect noted they removed a unit off one end of the building and  
21 added it to a different part of the building. There will be several larger units  
22 approximately 2000+ sq feet which could be used for artists.

23 The elevations on Kendall Street shows the Amsden building. The colors show  
24 gold brick currently on Amsden and red brick on Prineville building and the rest  
25 would be cast stone. They have tried to keep with the current building colors and  
26 façade.

27 They have created an arch opening out to the courtyard. They have tried to scale  
28 down the garage on Frederick Street. Instead of a horizontal garage they are  
29 using a vertical garage that would seem more like a building.

30 Carol ask to approach one of their drawings have they consider a rotation of the  
31 garage. Ed noted they did look at several ways to approach the garage. They also  
32 looked at pulling the garage off of Kendall a little bit. They came to the  
33 conclusion that the best way is the way they have it.

34  
35 Our consultant noted the applicant did not graphically show why they could not  
36 rotate the garage. He did not they have taken some more aggressive suggestions.

37  
38 Ann asked what was happening in the side units. Ed Clinton noted they would be  
39 the same units but larger. Ann also asked about the town owned land into park  
40 land.

41 Ann asked about the grade change from pavers to the doors. Paul Simon noted it  
42 would be two feet. She also asked about the garage doors. Ed Clinton noted they  
43 would place doors appropriate to the building.

44 Carol revisited the question regarding parking in the neighborhoods. She would  
45 also like them to revisit the rotation of the garage. Ed Clinton noted that changing  
46 the rotation of the garage could add a negative view in the area. Paul Simon

1 noted they have pushed the garage back five feet. Jay asked if Mike ??? could  
2 explain. He noted if your draw the attention to a lower level it would make it  
3 look smaller.

4  
5 Ann asked if they were to have the 1.25 ratio there would be 200 parking spaces.  
6 She asked if they reduce by 60 spaces could they rotate the garage.

7  
8 Sue Bernstein asked about the garage but you did not mention what the upper two  
9 levels would look like. Ed noted they used material that would match the gold  
10 brick on the building and pre-cast concrete. Sue questioned what the windows  
11 would look like? In the railings are you going to have balconies and details? She  
12 feels it is nice that they shaved off some of the buildings but find it incredulous  
13 that they would build apartments next to the garage where when you opened the  
14 windows they could get the fumes from the garage.  
15 The balconies would be smaller and pulled back.

16  
17 Bob Haggerty, Precinct 6

18 He would like to make a comment on the garage and the ugliness, he would like  
19 to see it go underground and have the current space used as green space. He  
20 submitted a letter which he read into the record.

21  
22 Helen noted they had the same idea with regards to a depressed garage but is not  
23 feasible due to the water table. Helen notes there have been many meetings.

24  
25 Kathy Bartolini noted the town owned parcel. The plan before you does not have  
26 this on it because they did not own it. Since the applicant has purchase more  
27 property, the land has been

28  
29 Bob DeShaw has also spoken to other in the area and feels that the abutters do not  
30 care about the garage and the area would be

31  
32 Steven Joyce, 35 Little Farms Road

33 He is very excited and feels this is long past needed. He works in the  
34 construction business and the price of steel is escalating and would like to see this  
35 project be approved as quickly as possible so the applicant is not priced out of the  
36 job.

37  
38 Richard Gonfride, reside precinct 12

39 He feels the architect has done a good job and he feels it is a good choice. He  
40 feels we should take a look at the current area now. He also notes the prices  
41 increasing on a monthly basis. Gypsum wall board as March 1 to April to  
42 increase 10% and steel framing is 20% increase.

43  
44 Bruce Leish feels the project is going very well and feels that applicant has done a  
45 good job with what they have asked. The applicant has developed the streetscape

1 as asked, the pedestrian approaches, Kendall St entrance. He feels there are only  
2 very minor details left to do.

3 Ann asked for tree grates. Bruce Leish would be in favor of tree grates.  
4

5 Carol would like to clarify the next steps for the audience.

6 Jay noted there is traffic scheduled for next week. He feels the Board needs to  
7 meet to discuss mitigation obligations.  
8

9 Jay urges the Board to speak on the mitigation before Larry leaves the board.

10 Mike Gatlin would like to have a meeting of the minds.

11 Larry offered to meet during the day to discuss mitigation.

12 Mike gave an update on the comments previously given. They have reduce the  
13 mass of the building and has responded to Concord Street and Kendall Street.

14 There has been improvement on Kendall Street. He feels the garage façade is not  
15 quite there and also the courtyard façade. He feels they both need another pass.

16 He would like to see the garage made less unique and more in tune with the  
17 buildings.  
18

19 Helen noted next Tuesday, March 23, 2004 on traffic.

20 Larry asked about what will happen if this is not concluded before the end of the  
21 Board. Helen explained that is why Jim Lagerbom is currently sitting on the  
22 board. They will continue and have four voting members.

23 Jay will try to have a draft decision for the Board on Tuesday, March 23 but feels  
24 there will be gaps.

25 Ann would like to see a list of items for mitigation list.

26 Larry feels we need to be very careful as to what mitigation is and what is on site.

27 Carol asked rather than to have Jay write a draft decision, she would like to have  
28 a more draft discussion

29 Continued to March 23 at 7:45 pm  
30

31 Ann made a motion to extend the hour for hearings after the hour of midnight.

32 Tom seconded

33 Voted 5 approve and 0 oppose  
34  
35

36 Continued Public Hearing, Special Permit for OSRD, Definitive Subdivision Plan  
37 Approval, Modification to a Scenic Road and Public Way Access Permit, Ford's  
38 Meadow, 45 Nixon Road

39 Paul Galvani attorney and Stew Mayer, Nexum Development

40 Documents 404, 403, 398, 425, 422 and 418, 378

41 When the board last met, they had issued a decision document and it has been  
42 resubmitted with underlined changes.

43 Document 425-04, Jay went through the changes page by page. There are 24  
44 dwelling units.  
45

46 If it were made clear regarding trash pick up and the narrowness of the road

1  
2 Ed James hopes to not be cut short because of time constraints.  
3 Sue Bernstein has comments.  
4 There is still no plan on file to show all the area's to be cleared, Stew responded  
5 that it is being prepared and will be available for next Tuesday's meeting.  
6 Ann has received comments from ?????? dated prior to March 1. Stew gave out a  
7 presentation along with the plans will be  
8 Carol spoke about all the dwelling units being part of a condominium. She  
9 specifically would like it inserted.  
10 Carol asked for it to be inserted on Page 7, B -Establishment of condominium  
11 trust and of .....  
12 Sue noted that the preliminary plan was denied and there was no determination to  
13 the amount of percs. Carol spoke about this item already.  
14 Sue spoke with the DPW and they were adamant there will be no trash pick up.  
15 Jay spoke with Abdul and Peter Sellers and they could ask for trash to be picked  
16 up.  
17 Sue goes back to the history of this project and considering an over 55 by-law  
18 and these were to be over 55 units. Larry remembers to leave this issue open.  
19 Page 7 # 11 – Sue is questioning shall be approved in content – it applies they  
20 must approve it. Helen noted the new wording should be?????  
21 Page 8 several places there is notation regarding 12, 15 days.  
22 Page 9 # 16 – speaks of lot delineation  
23 n. Ann Welles would like to see the outer bound delineation. Stew would like to  
24 eliminate the lot lines.  
25 # 21 what is the Board of Health  
26  
27  
28 Rick Ventures, 51 Nixon Road  
29 He abuts the property and has had problems with his well going dry for a couple  
30 of day during the summer. He is concerned about the wells and lawn sprinklers.  
31 What is his protection once these houses are built. Stew gave his letter and there  
32 has been a response. He wants to know if there are any insurance policies that  
33 can be purchased. Helen read into the record the letter that was written in  
34 response to his e-mail. Helen will give Mr. Ventures a copy of this letter. Stew  
35 also explained about the recharging should enhance his well.  
36  
37 Ed James would like to follow up on salt in relation to the wetlands. Jay noted  
38 the town does not use salt.  
39  
40 Lack of information of 65 and 69 Nixon Road. After they build these house they  
41 had problems with septic. Will there be any construction before the get DEP for  
42 Septic. Stew mentioned there is no DEP Septic. They will be building without the  
43 DEP regarding water. Ed noted DEP did not have the plans as of today. Stew  
44 told Ed they will not build without DEP permits.  
45

1 Ed asked about the plans that he saw had two fire tanks and have they been  
2 moved. Stew believed the plans have been superseded. Stew noted it is not in the  
3 cul-de-sac.

4  
5 Ed noted on page 9, there was a conversation regarding walls. Is a 1-1 considered  
6 a wall. It is his understanding 1-1 sloped in excess of 8 feet. Ann noted it is a  
7 structured wall and approved.

8  
9 Ed asked about a small wall on Fieldman's property is there a small wall there.  
10 Stew noted no.

11  
12 On page two, could they include in the last sentence regarding the letter dated Feb  
13 16, 2004 from DPW.

14  
15 Page 10 # 21, Stew referenced a letter from Mr. Nelson be noted. Ed read from  
16 MGL. He is requesting that the letter be noted. Document # 378 and ????

17  
18 Ed noted when the voted was taken on the 2/11/03 meeting that we are starting  
19 new that everything previously will be discussed. He doesn't feel density has  
20 ever been discussed. Ed noted that Stew has changed his plans and asked the  
21 Board to consider not giving its preliminary.

22  
23 Ed noted a change from 400 to 600. Stew admitted they changed the plans  
24 without telling the board.  
25 Ed's final comment is that this project should be allowed to run its course with  
26 the proper channels and permits. He feels if this is a good project it should with  
27 stand the permitting process.

28  
29 Ann suggests that ???????????? and ????????????/be called out.  
30 Stew mentioned that Board of Health has requested another plan and Ann asked  
31 for  
32 this to also be called out.

33  
34 Helen asked about Nelson's letter of ??? She also noted the Planning Board will  
35 meet after the March 22 meeting of?????????  
36 Larry would like to have Town Counsel look at the legal decision on the  
37 hierarchy of the Board of Health. Ann would like to know if we have to say now  
38 what we are going to do? The other items are the bedroom count.

39  
40  
41 Stew has been moving through this project in good faith. He feels he has been given an  
42 ok given the conditions from departments. He feels most communities would welcome  
43 having the state regulate water issues.

44  
45 Paul doesn't feel that they have changed the bedrooms in the last 18 meetings.

1 Ann feels that half of the process she was going on the old information and she  
2 doesn't feel comfortable because there have been so many numbers.

3

4

5 Carol found a 600 foot reference on Site Development plant list

6

7 Paul feels Ann's concerns are fair. He noted the Board of Health has had

8 ????????

9 Where this has been an education process since the Town has never dealt with  
10 this type of well before.

11 Stew would also like to add he added the option for the second well, he was not  
12 told

13 to do it. Stew finds it hard tha

14

15 Larry feels differently regarding the bedroom count. He never took the original  
16 bedroom count as a discussion and not as a final decision. He feels as a Board  
17 they can restrict the count. When it comes to the counts, regarding the water and  
18 sewer and feels they should listen to their consultant if the Board is not going to  
19 take this into consideration they should not have spent the money. Larry would  
20 consider taking the maximum amount of bedrooms as long as it does not exceed  
21 72 bedrooms.

22 Larry proposes a cap and cap it on what they can make a decision on.

23

24 Tom noted this has been a long process and early on the discussion was septic.  
25 Tom doesn't have an expertise on water supply, the bedroom numbers have  
26 changed. He notes the septic is not the limiting factor but the water supply. The  
27 applicant has also added the second well as a Board of Health is now requiring it.  
28 Tom can also agree with Larry's rationale with limiting the bedrooms.  
29 Stew noted one of the chronic water uses is irrigation.

30

31 Carol feels Larry's proposal is a reasonable one.

32 Ann does not want to comment until the applicant has agreed with the count.

33 Stew asked the board if there are other concerns pending.

34

35 Helen asked Carol if she has any other issues. She would like to know what  
36 scope of information does the Board need to properly be able to approve this  
37 application. She also has not found any decisions where the water is an issue.

38

39 Tom has no other issues except with the water.

40 He agrees with Larry's proposal.

41

42 Helen feels the same. She feels happy with 72 and would follow the suggestions  
43 of GZA. She also would wait to hear from Board of Health.

44

45 Larry feels the same.

46

1 Ann has a lot of trouble with voting without hearing from Board of Health.  
2 She would like to see the bedroom count lower.  
3  
4 Stew asked Carol if she would be agreeable to approve if they received an  
5 approval from DEP. Carol noted if the DEP has approved the water and septic  
6 she would be more comfortable with the unknown.  
7  
8 Ed James went back to the minutes of 9/2/03. He asked about the density.  
9 Ed has been looking for numbers?????????  
10 He is asking the Board to get the Regulations and  
11 This hearing is continued to Thursday, March 25, at 7:30 pm  
12  
13 Tom made a Motion to Adjourn  
14 Ann Welles seconded the motion  
15 The vote was 5 approve to 0 opposed  
16  
17 Meeting adjourned at 2:40 am  
18  
19 **\*\*THESE MINUTES WERE APPROVED WITH AS TRANSCRIBED BY THE**  
20 **PLANNING BOARD MEETING OF MARCH 22, 2005.**  
21  
22  
23  
24  
25 \_\_\_\_\_  
Thomas Mahoney, Chairman