

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely,  
Michael Hunter, Eric Poch, Joseph Sziabowski (Associate),  
Jody Kablack (Planner)

The meeting was called to order at 7:40 p.m.

***Mahoney Farms Senior Residential Community Preliminary Plan – Public Hearing***

Mike Sullivan (engineer), Kevin Giblin and Charlie MacGregor of Brendon Properties (applicant) and attorney Nick Carter were present.

Mike Fee read the notice into record and called the hearing to order.

Mike Sullivan: The wetlands in the middle of the property had previously been an issue. Originally the proposal had a winding road off Nobscot Road which they tried to serpentine around the wetlands. Under conventional subdivision there are 13 lots (5 bedrooms per lot). Since that time, they have done an extensive wetland study as well as a wildlife study. There is a Conservation hearing scheduled for Monday night. They have pushed the road south towards Framingham (125' off the town line). It is directly across from the Boy Scouts on one side and the other side is across from the Newell property. For the record, Mr. Giblin has stated he is okay with the access. In total there are 13 buildings with 33 units (65 bedrooms) which is within allowances. Road length is just over 1,000'. There is a short cul-de-sac with stormwater basins. Grading is proposed for the first 100' (Nobscot end), mimics existing grading at 2-6% and levels at 1%. The 300' cul-de-sac will have about 3' of fill at the end at 1%. Drainage plans include water ponds, conventional detention and wildlife ponds. The proposal creates an amphibian corridor with year round ponds which provides an increase in habitat. It mitigates the 100 year storm; adds to aesthetics. The flow is approximated at 5,000 gallons/day for septic flow, meets Board of Health regulations. Some work may be needed on site distance on the Boy Scout side as there is a hump. They are proposing three 6' walls with a 5' wall on the low side. (A visual sketch of the building prints was shown). There is a 25% requirement for open space, they are currently at 36 ½ % and will add to that. There are three corridors to the open space, one at the Framingham line where the trees will stay in tact. It is a good distance to the closest neighboring houses. The plan clusters in two areas. A couple of ponds will receive water flow which means good water quality. Included in the waivers they are requesting:

1. Radius greater than 150'
2. 24' road width (they are proposing 22')
3. Distance to units from the road is not 200' (about 80' from the building to the road separation)

Mike Fee: Much work has been done by the applicant since the last meeting. Their efforts are noted and appreciated.

Jody Kablack: The major issue will be conservation and what they consider wetlands in order to determine density. Without that information, it is difficult to obtain a count. The other issue is the adequacy of Old Framingham Road for traffic. The Newell property will access it as well (their only access). Bill Place may want improvements to Old Framingham Road. The Fire Chief approved the 22' road width, but may not be aware of the other development and it's use of it.

Chris Morely: Are the units further from the Framingham town line?

Mike Sullivan: Yes, previously they were 100' from abutters and are currently 240'.

Chris Morely: Is it possible for the cul-de-sac to be in a smaller area off Nobscot?

Mike Sullivan: They had looked at that however, the flow to the ponds was problematic with the cul-de-sac from the thoroughfare.

Chris Morely: No-one likes the access from Old Framingham Road. He likes the idea of the road from the Newell property.

Mike Fee: How far along is the Newell plan? What is the likelihood of additional traffic?

Mike Sullivan: Is a study being suggested?

Eric Poch: Doesn't like the driveway straight across from the Newell property. It is a safety issue for the senior residence. It is not ideal to have a cut-through thoroughfare onto a major road.

Mike Sullivan: Mr. Giblin made the offer with the thought it would be the best scenario.

Lisa Eggleston: Opines it is a good idea. It won't create a cut-through in a major neighborhood; they need to look at it that way. Suggests looking into a walkway. Are the basin/treatment ponds in the existing wetlands?

Mike Sullivan: Yes, under local bylaw it is a wetland designation. It is not under protection except under local bylaw. They need to meet with Conservation.

Lisa Eggleston: It is being used for water treatment; will it be accessible to maintain?

Mike Sullivan: They can provide maintenance access.

Lisa Eggleston: In the center of the cul-de-sac, is it infiltration?

Mike Sullivan: No, it is a detention basin. They haven't done the definitive plan yet.

Lisa Eggleston: Could the roof drainage be infiltrated on the high side?

Mike Sullivan: No.

Lisa Eggleston: Drainage around buildings will be closely examined (Frost Farm referenced). Does the septic straddle the property line?

Mike Sullivan: No, the existing house is the only thing that is not included. There is no innovative system, it is a conventional system.

Joe Sziabowski: Has two comments. A sidewalk should be explored; Nobscot and Old Framingham Roads could be shortcuts and therefore pose a potential safety issue getting around the development. Also, the retaining wall on the south side seems extensive. What of Bill Place's comment to eliminate it?

Mike Sullivan: That reference was a different area. There are 2 walls by the Boy Scouts not at the southern side. They would maintain the buffer requirements.

Eric Poch: Old Framingham Road is a concern. The line of the southern boundary on Nobscot will make people utilize Old Framingham Road more. A sidewalk will be critical as well as the width of Old Framingham Road.

Mike Hunter: Questions the baseline count.

Jody Kablack: It was based on C-1 zoning; typo on the plan.

Comments open to public:

Adam Miller, 1 Nobscot Road:

How would the approved lot number be affected by the wetlands?

Jody Kablack: Conservation says it must be suitable. It shouldn't be a significant detriment to the lot count (perc testing was done on all).

Donna Park, 99 Nobscot Road:

Traffic will be diverted to Old Framingham and Nobscot; the Newells plan to build next year. The road is now mass developed. She has construction concerns. It seems like a no-win situation for residents.

Dr. Susan Rabaut, Framingham Animal Hospital:

Has a comment on the use of Old Framingham Road. Agrees with Ms. Park; it is currently horrendous. She cannot imagine seniors getting out onto Nobscot Road, taking a left towards Framingham. It would be dangerous; Old Framingham Road will be the main access road with constant traffic on Nobscot. Has a traffic count been done?

Ray Bachand, 63 Old Framingham Road:

Both roads will need to be reengineered. Also there are plans for 2 houses to be built in addition to the two developments. The cut-through should be considered as a major road. Suggests the possibility of a signal on Nobscot Road. He would like to see Old Framingham Road remain a country road, at least a portion of it. Children should be anticipated even though it is a senior residential proposal. Could it be considered for a town road? Another issue for consideration is the drainage; lot 7a floods under the existing conditions.

Mike Sullivan: That parcel will have to be graded and rediverted.

Ray Bachand: Gives credit to the applicant and the open space they are preserving.

Morton Brond: Why is the applicant requesting the width of the road be 22'?

Mike Sullivan: It is just a personal preference. The applicant feels it is more than adequate and appropriate. If the Town does not agree, he will widen it.

Ray Bachand: A cul-de-sac from Nobscot would be better, if not, what about the possibility of going south from the cut-out?

Mike Sullivan: That was looked at but there were habitat issues and wetlands critical to preserve.

Adam Miller: This plan enters directly across from the Boy Scout camp. It is visually bad for the camp. While he understands the traffic reasons for the proposal, he does not think it is a good plan. Drainage will be an issue; there is a large culvert on Nobscot which drains into the wetlands. He does not see how the proposal will improve that situation. Are there any plans regarding tree cover in the developed area?

Mike Sullivan: There will be heavy landscaping throughout. This developer spends a lot of money on landscaping. Traffic studies have shown it best to line-up a proposed way across from another existing roadway or driveway for safety reasons.

Jody Kablack: The southern corridor will remain the same; will it be an amphibian corridor?

Mike Sullivan: They will put trees around the existing ponds. If they need to be removed for construction, they will replant them.

Jody Kablack: Along both sides, it will be necessary to clear and replant.

Adam Miller: How will the road at the entrance look?

Jody Kablack: Neighboring houses will be shielded under the intent of the bylaw.

Leigh Dunworth: Likes the plan overall and offers the following comments:

1. Traffic concerns – can not be diverted, people will use Old Framingham Road solely for ease. A safer cut-through is highly desired.
2. Closeness of the last houses – they are too close to Old Framingham Road and would not retain the character of the neighborhood.

Also, will the land change by the old farm house?

Mike Sullivan: Yes, by the field, the septic will go in and go back to the field.

Lisa Eggleston: It will be graded up (mounded).

Ray Bachand: Prefers it be natural field.

Mike Sullivan: It will not be aesthetically negative; beyond the septic it will not be touched. There will be heavy landscaping in areas where they've requested waivers.

Morton Brond: Where there is mounding for the septic, will there be white pipes to get rid of the gas? Will it be covered with high vegetation?

Mike Sullivan: Probably, they can run it anywhere though and will camouflage it. It will not be in a visible area.

Chris Morely: For landscape, can you get the cul-de-sac onto Nobscot further north between the pond and septic? It would be beneficial in getting the cars off of Old Framingham Road. Would be a significant impact on the east side of the road.

Ray Bachand: To get it on the south side of the pond would be ideal.

Chris Morely: Suggested the two parties discuss a possible compromise.

Mike Fee: Discussion at next meeting will be wetland driven. Also need traffic impact to be quantified (potential traffic study)?

Lisa Eggleston: Where traffic will go as well as existing patterns needs to be addressed.

Chris Morely: For encouragement to the neighbors in attendance, traffic from a 55+ facility is not like a subdivision street.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing for Mahoney Farms to October 27, 2004 at 8:15 p.m.

**The Arboretum Definitive Subdivision – *Public Hearing Continuation***

Present for the applicant: John Boardman & Lynne Remington (Ross Associates), John Cutting

John Boardman: The neighbor to the north (Richard) of Lot 8 had a visual impact concern. They have moved the septic from the back to the side yard. The distance to the houses has been increased to 80' (originally was 40' off the property line). The lot number was verified by the preliminary plan. It would be the same whether it was a cluster or definitive subdivision plan. No additional impact would be caused as a result of the proposed house elevation of 213' (abutter's house is 206'). The new house will not tower over the existing. The groundwater has been confirmed and meets the 2' offset.

Lisa Eggleston: The rate is based higher than on sand.

John Boardman: The soil charts are done, all but one perc. The soil changes where the slope comes in by Maynard Road. The applicant is working with the Fire Chief and the Water Department. The Water Department wanted a line under the ball field to Maynard Road. The applicant does not own that area but is making efforts to assist.

Jody Kablack: She has spoken with the Fire Chief, Ken MacLean, who said the plan is acceptable.

Jody Kablack and Chris Morely commented on the request for a fire hydrant on Maynard Road made by Bill Place.

Jody Kablack: A walkway discussion is needed as well as a compatibility of uses. For road B, would the Board prefer a contribution in lieu of the walkway or a walkway from Wyman Drive to the ANR house lots?

The Board agreed that the construction of the walkway was preferred.

John Boardman: Road A proposal shows a walkway in front of the houses.

Jody Kablack: Thinks there is more of a need for one with this proposal than with other dead-end streets due to the recreation uses.

John Cutting: If access were from the athletic field, it would encourage parking on the street and would not be ideal.

Jody Kablack: That will need consideration. Is access open to the public at the end of the cul-de-sac?

John Boardman: No trails are defined.

Chris Morely: What if a "No Parking" or "No Trespassing" sign was placed there?

Eric Poch: If there is soccer there, it's a guarantee there will be parking there.

Lisa Eggleston: Agrees with that statement, however, this proposal should be treated separately from the ball fields. It is only fair to consider the needs of the developer and the residents who will live there as priority.

Chris Morely: Agrees, but it shouldn't be on the ball field side.

Lisa Eggleston: Is road A going to be a town road? Jody Kablack: Yes.

Lisa Eggleston: Therefore, will the catch basins be conservative in design? Sediment forebay, clear thresholds should be defined.

Chris Morely: The catch basin issue with Conservation on the agricultural line needs to be addressed (9-29-04 memo).

Lisa Eggleston: Was it Town approved?

Jody Kablack: Yes. A plan under the Agricultural Protection Restriction showed drainage areas will be needed. They are not going out of the boundaries. A 15-20' wide grading easement will be needed to construct the road. No substantial changes are foreseen.

Mike Fee: What is our jurisdiction for the Conservation Commission's comments?

Jody Kablack: We ask for them and they provide them.

Lisa Eggleston: We have our own drainage requirements.

John Boardman: Lot 10 needs Conservation filing only.

Jody Kablack: We do not mandate where the house goes (#2 of the memo).

John Boardman: No discharge is anticipated. The strip is outside of the area Conservation refers to.

Lisa Eggleston: Could put in a vegetative swale to infiltrate. There is no diversion of run-off; it is all on-site and being infiltrated.

Jody Kablack: Item 4 of the memo from Conservation regarding run-off; isn't it currently the way they are suggesting?

John Boardman: There currently is a pair of catch basins on Maynard Road which connect and discharge onto Mr. Richard's property. The proposed drainage line and manhole will reroute and resolve that issue. Bill Place has plans for connection.

Eric Richard: How much of this plan is representational? Is the property owner bound to anything?

Jody Kablack: It can be mandated that Lot 8 be as shown on the plan.

Mr. Richard: Our lot has a very strong slope; this slopes up? Will our trees cover the view? Is there something we should do for a long term solution?

John Cutting: Your trees are established now which is the best situation for screening. It should be fine as it is.

Mike Fee: That was discussed on the site walk. It was the opinion of the Board that the applicant move the house and add more screening.

Resident: There is a culvert under the road; will there be parking for the new field?

Jody Kablack: Yes, in excess of 50 spaces for the field.

Resident: A sidewalk would need to be on the opposite side to continue with what's already there.

Jody Kablack: It will be on the northern side.

Lisa Eggleston: Will there be a crosswalk at the end towards the ball field? It would make sense if there were.

Jody Kablack: Will address that with Bill Place as well as vegetation.  
There was no further comment.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing on The Arboretum.

The Board instructed the Town Planner to draft a decision for possible review at the meeting of 10-27 (docket dependent).

**Zingale (Candy Hill Lane) Subdivision – Public Hearing Continuation**

Jody Kablack: There are now three plans: 1) the original plan with the driveway off the Crowley's, 2) Plan with the "T" turn opposite the Goorno's driveway and 3) a newly configured circular driveway plan (previously a smaller radius). The Fire Chief feels the cul-de-sac is best; the "T" plan is insufficient. Bill Place saw the 3 plans and opines the "T" plan meets requirements. Candy Hill Lane is narrow and he recommends additional paving. The circular driveway plan meets the turning radius. It would need some stone wall removal. The Fire Chief wants 18' minimum width (20' preferred); he does not want the fire trucks to have to back out. He understands the aesthetic issues and concerns of the Board.

Mike Hunter: Does not see the circular plan as better for turning of the trucks; does see it being better for public safety.

Lisa Eggleston: The circular plan accomplishes an alternative to widening as with the "T" which would not require widening either.

Mike Fee: Has the Fire Chief seen that plan?

Jody Kablack: Yes, but it did not change his recommendation.

Mike Fee: Mr. Zingale, what are your thoughts on this new plan?

Mr. Zingale: There are pluses and minuses. Currently, the trucks seem to manage well. Objectively, the circular drive provides the vehicle access turning ability without changing the characteristic of the neighborhood. He would work with either plan (T or circular); however, he believes the circular seems superior. The Crowleys prefer the circular drive as does his wife, Frances.

Mike Fee: Do we need further information on the design decision of the circular plan?

Jody Kablack: No. She has comments from Bill Place that it can be designed adequately.

Mike Fee: The Board is attempting to balance safety issues with aesthetics. Are there any other comments from the neighbors?

Eric Goorno: Likes the other 2 designs over the circular plan. Would like to minimize the holes in the stone wall. Does not like the driveway right across from him either, likes it off the Crowley's better.

Mike Fee: Understands his opinion, but the circular seems the most feasible with all input.

Resident: Would like to see focus on aesthetics; tree planting and re-growth.

Jody Kablack: It is addressed in her 10-8-04 memo. The first 15-20' of driveway must have a minimal 18' paved width, and then it can go to 10' typical for fire truck to access. There may be a need to stabilize the shoulders. She also suggests utilizing the stones removed from the wall as Chris Morely said (no pillars).

Mr. Zingale: He is okay with the entrance width issue but asks for flexibility to preserve width and angles at openings with the remainder.

Jody Kablack: As long as it meets regulations for roundings and you have DPW approval prior. It will have to be submitted to the Board (with DPW approval). There are also water main and excavation issues.

Mr. Zingale: A substantial expense is being asked of him. The Water District prefers (as do the Crowleys) it be brought in where the main exists. He has received estimates for this between \$30-35,000 which seems unfair. He feels he is having the expense of all the homes being serviced by it fall on him. He is not a developer; he is just the owner of one home. He asks that the Board consider an easement and let the Water District bear the expense or possibly a contribution in a more modest and fair amount.

Chris Morely: Is it grass area from the Crowley's to the lot line? Jody Kablack: No.

Mr. Zingale: There are a number of trees there; it would tear their roots.

Jody Kablack: As you go along the southern line of the property, it gets disruptive to their lot line.

Mr. Zingale: Along the property lines in any case, there are always prohibitions in building. If the Town has an interest in looping, there are better benefits for all involved.

Jody Kablack: It would be a 20' easement with only a 6' disturbance.

Lisa Eggleston: We have made a representation to the neighbors that it would be done as a public safety benefit. It would result in bad will if we go back on that.

Mr. Zingale: They are willing to provide easements.

Mike Fee: Can you provide us with the estimates you have received? Mr. Zingale will submit them to the Board.

Mike Fee: It does seem disproportionate to what the applicant is asking for.

Mr. Zingale: Could write a check to the Water District for that project.

Lisa Eggleston: The Water District may get a cheaper price if it is a per linear foot cost for them.

Jody Kablack: Regarding the width of the lane and shoulders, originally was anticipated a couple of trees would have to come down. This plan it would more likely be 4 that would need to come down. Does the Planning Board want to add pavement to the lane or increase the shoulders?

Lisa Eggleston: Don't need to add pavement to the lane because of the circular drive. Adding pavement or shoulders won't direct the vehicles which was the premise. The money could be applied to the water line instead.

Chris Morely: That side of the road is crumbling (directly in front of the house lot). If a water main is installed there, new pavement will go in.

It was the consensus of the Board that widening the lane is not necessary.

Mr. Crowley: Supports that position; plenty of vehicles currently access the road. It is a private way. Wouldn't that change require majority approval of the owners of the way?

Jody Kablack: No, but if a homeowner makes a change within a right-of-way, they would have to restore it.



Mr. Zingale: Agrees with that conclusion and opines he has the right to bring in utilities and an obligation to restore. He would like to avoid an obligation he cannot meet.

Jody Kablack: Does the Board have requirements for the buffer behind the stonewall?

Chris Morely: Preserve the large trees.

Mr. Zingale: Would like the ability to have flexibility with landscaping. To buffer it would make it seem like there was no house there. While he has no intention of clearing the lot, he does not like the pines and would prefer to remove them but leave the healthy hardwood. He reiterated his position that if it were a large development going in he would understand the necessity of restrictions, but he is just trying to build one home.

Mike Fee: The Board understands flexibility, but needs adherence in the decision.

Lisa Eggleston: If it is not a public way, why mandate screening?

Mike Fee: To maintain character and consistency.

Chris Morely: Everyone on the entire lane has done that.

Mike Hunter: The houses are clear to the street – there has been a lot of aesthetically pleasing work done, but 15-20' back there is nothing aesthetic. Would allow shade trees and what matches the rest of the area.

Mrs. Crowley: When she and her husband first purchased their home, they removed shrub and left hardwoods. It does not look as nice now as then; they favor getting rid of the shrub.

Jody Kablack: They require planting behind the stone wall; a street tree every 40' to provide shade.

Chris Morely: It is to avoid having grass from the front door to the street.

Jody Kablack: 20' back from the wall there should be one tree every 40' so that would be a total of 4 trees. Street trees are a requirement of the Board.

Mr. Zingale: In order to be consistent with what is there, does not want to put them in a line or jam tree cover in. Asks to be flexible not to have them in a row.

Lisa Eggleston: You can still add trees in the back.

Mike Hunter: The purpose is just to shade the street. It has nothing to do with the house. He can suggest some species.

Jody Kablack: Addressing drainage, she is envisioning the driveway being crowned.

Lisa Eggleston: Crowned in the middle. Run-off from the property should be overland. No structures are required.

Jody Kablack: What about a fire hydrant? There is currently one at the corner lot where the 8" water main ends. The Fire Chief's memo of 9-17 assumes on full build (cul-de-sac) there would be one.

The Board had further discussion on an easement versus the water main.

Mike Fee: What is the consensus for an easement with an appropriate contribution? (will need an estimate). The applicant can work with the Water Department. He is of the opinion it is disproportionate to what is being asked for to have the applicant incur the full expense of a water line.

Lisa Eggleston: She is concerned with the water main getting done; it is a public safety issue.

Mike Hunter: Since it is approximately \$300/foot to put in a subdivision road, \$35,000 seems realistic in the scheme of things.

Mike Fee: But is it appropriate?

Mike Hunter: It provides a benefit to the neighborhood.

Lisa Eggleston: We should get the Water District to estimate numbers.

The Town Planner will call the Water District and the Zingales will provide an estimate.

Joe Sziabowski: It seems a lot to ask a private property owner to cover the bill for the neighborhood's benefit. That is a big expense.

Jody Kablack: The Board needs to request a 2 week extension from the Zingales to finalize issue with the Water District.

The applicant granted an extension to the Board which was prepared by the Town Planner.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing on the Zingale (Candy Hill Lane) Subdivision.

Mike Fee directed the Town Planner to revise a draft decision incorporating points from this meeting. The decision vote will be on October 27, 2004 at 7:45 p.m.

### ***Willis Hill Modification – VOTE DENIAL***

Jody Kablack: The first condition of the denial decision was discussed. The present configuration must be referenced as well as the issues of the Town water not being supplied and the waivers.

Mike Fee: The same rationale does not apply for a modification plan and application as with a subdivision plan.

Eric Poch: Should we address width? Reference they should submit a new, conforming plan.

Jody Kablack: This is actually a modification to a modification. She had asked the applicant to come in with an application showing utilities in the Water District Driveway. He could not go back to the original plan so he did a second modification.

Mike Fee: Basis for denial; it was futile because the applicant did not connect the water. This goes beyond non-concurrence. The Board is willing to entertain a new application.

### ***Whitehall Estates II – Request for Bond Reduction***

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the bond for Whitehall Estates II from \$47,000 to \$13,500.

***Forestside Estates – Release Bond***

On motion duly made and seconded, it was unanimously:

VOTED: To release the bond for Forestside Estates Subdivision.

***Twillingate Meadows – Request for Bond Release***

On motion duly made and seconded, it was unanimously:

VOTED: To release the bond for Twillingate Meadows Subdivision.

The meeting was adjourned at 10:50 p.m.