

Minutes of the Planning Board held on Monday, January 8, 2001 at 7:30 P.M. at the Abigail Adams Intermediate School Auditorium.

Present: Paul Dillon, Chairman; Karen F. DeTellis; Paul Hurley; Scott Curry and Jody Lehrer

Staff: James Clarke, Planning Director and Rod Fuqua, Principal Planner

Meeting called to order at 7:30 P.M.

MINUTES

Motion by Mr. Curry seconded by Ms. DeTellis to approve the minutes of October 2, 2000.

All in favor. So voted unanimously.

Mr. Clarke stated there would be a public hearing for the Master Plan on January 17, 2000.

PUBLIC HEARING 7:45 P.M. - ALEXAN, BURKHALL STREET

Motion by Mr. Curry seconded by Ms. DeTellis to open the public hearing.

Ms. Lehrer read the public hearing notice.

Mr. David Kelley, 400 Crown Colony Drive, Suite 200, Quincy MA stated that he was representing the applicant, Bristol Bros.; Atty. Rocco DiFazio was representing Tremmell Crowe and from Gale Assoc. Wayne Seymour and Dale Harris.

Mr. Kelley stated the following:

1. June/99 preliminary plan filed with Planning Board.
2. January 14, 2000 definitive plan was filed.
3. Tonight is the 1st hearing of the definitive plan process.
4. Currently there is no application before the Zoning Board of Appeals. That proceeding was withdrawn without prejudice.
5. The preliminary plan dated June/00 incorporates much of the Zoning Board of Appeals modifications to the plan. This is the plan before the Planning Board tonight.

Mr. William Seymour, Director of Civil Engineering for Gale Associates at 33 Riverside Drive, Pembroke MA stated that as his traffic consultant could not be here, he would request a continuance for the traffic discussion. He continued with the following:

Project Locus - the site is a 32 acre undeveloped parcel at the top of Tall Oaks Drive off Pleasant St. and is owned by BRT Corporation and S & B Nominee Trust. It is under agreement with Trammell Crowe Residential. The land was sub-divided in 1972 and is currently zoned R-4.

Proposed Development - 274 multi-family residential rental units. One hundred forty four (144) of these are 2 1/2 story town houses with parking under and 128 are 4 story conventional flat apartments with an associated parking structure. There will be a community center and a pool. No waivers have been submitted up to this point.

Permitting Status - a preliminary plan was filed in June/99; a definitive plan was filed in January/00 and a special permit was filed at the same time. Also, 2 technical studies, drainage calculations and a full traffic study were submitted. It was suggested that a broader area of the town be looked at and subsequently a supplemental traffic study was submitted. The Dept. of Environ. Protection conducted a field visit and a public hearing. The filing of an EIR was not required and a MEPA certificate was issued. The MEPA unit recommended that a archaeological survey be conducted. Negative findings were filed with the Town.

With regard to drainage and traffic, BSC (3rd party consultant) concurred with the application and findings with some modifications. A Notice of Intent has been filed as there were some significant wetland impacts. Those impacts have been avoided, mitigated and replicated. Last week the Conservation Commission issued an Order of Conditions.

A Memorandum of Understanding has been entered into with the Department of Public Works for water/sewer mitigation. DPW has agreed with Trammell Crowe that three (3) projects be completed under the consent decree from DEP. When the projects are completed it will result in a savings of 7-1 on water and sewer demand.

Mr. Seymour described briefly, the creation of six (6) lots as follows: Lots 1 & 2 will contain the majority of the town house units. The balance of the units will be on Lot 5 on the opposite side of Burkhall. Lot 4 (small lot) has frontage on Burkhall and Lot 6 will include the four-story conventional apartment building. Lot 3 is a common use lot that divides lots 1 & 2 fronting on Alexan Circle. The purpose of this lot is to provide a common use lot for the drainage structures that are required.

At the back of the parcel (32 acres) is a 12 acre set-aside that will have conservation restrictions placed upon it and it is not our intent to develop with the exception of some storm water mitigation.

Mr. Seymour, using the map, pointed out where the 6 lots would be. He stated that they would propose to improve the paper street and connect it with lower Burkhall Street for emergency vehicle access and tying into the sewer utilities on Pleasant St. Lot 4 is the buffer lot at the eastern edge of the property.

One significant issue is the drainage design. The current existing condition, an intermittent flow, flows off-site onto the Marques' property. A good portion of the flow results from an existing reinforced concrete pipe that drains the Wisteria Point complex.

The original intent was to mitigate the off-site flows from this project to below the existing condition as it exists today. As a result of discussions with the abutters and other boards, the proposal is to restrict the flows and attenuate the flows more decidedly than the existing condition today. Mr. Seymour stated that he feels the pipe is legal. A model has been created that shows what the natural flow would have been to that point in the absence of Wisteria Point having been built. They are willing to attenuate the flows below that level. These flows, as they currently flow to the pipe into the backyards of the abutters, are untreated.

Dale Harris, professional engineer from Gale Assoc. gave an overview of the utilities and storm water management. He focused on the main standards 1-4 of the Storm water Management Policy and the three (3) main design points.

There will be a decrease in the storm water flow - 25 CFS to 20 CFS and from 18 CFS to 8 CFS. These numbers were given to the Conservation Comm.

To clarify, Mr. Harris stated that the pre-condition represents today. The flow at design point 2 (Mr. Marques backyard) is 33 cu. ft. per sec. (very heavy flow). This results directly from the impervious area in Wisteria Point. They are legally required to restrict the post development flow below that amount. They have opted to create a model (a pre pre condition) that takes the Wisteria Pt. development out of the flow. They have attenuated the flow in that design storm to 19 CFS - over 1/2 of what it is today.

Mr. Harris continued with an overview of the water/sewer utilities on site. All connections existing on 8" PVC lines will be replaced by a 12" line.

Mr. Seymour stated that the landscaping and architectural plans are in the packet.

Mr. Hurley asked about the pre-condition drainage calculations?

Mr. Seymour stated that the plans and calculations were revised to reduce the flow below what that flow would be prior to the Wisteria Point condos being built.

Mr. Fuqua stated that Planning had received comments from the Conservation Comm. An Order of Conditions has been issued for the development of the property. During the Special Permit process comments were received from the Town Council, a letter signed jointly by Counselors Goudy and Jonah, and a comprehensive letter from Counselor Jonah.

Concerns:

1. Water - consent decree and safe yield.
2. Sewer - administrative consent order, flow to Pine St. pumping station.
3. Traffic - asking for an independent traffic review.
4. Bird Sanctuary - make sure the property is protected.
5. Asking for an archaeological review of the site
6. Blasting.
7. Replication of wetland areas.

As part of their mitigation on traffic, Chief Deacon of the Fire Dept. is requesting 3-M Opticon light controls installed on two fire apparatus as well as the intersection traffic lights at Pleasant and Tall Oaks. They also want the emergency access at the end of Burkhall St. equipped and town houses to be handled with sprinklers. Chief Deacon also notes that blasting will follow the Mass. regulations licensed through the Fire Dept.

Mr. Kelley asked to have the dates of the letters. Mr. Fuqua stated the following:

1. Conservation Comm. order was issued on 1-8-01
2. Letter from Counselor Jonah is dated 6/23/00
3. Letter from Counselors Jonah & Goudy is dated 6/27/00.
4. Response from Chief Deacon is dated 6/16/00
5. Health Dept. notes as of 12/29/00 there is an ongoing investigation with regard to fecal coliform counts in the drainage system. Investigation is open without a final determination. No objection is raised by study.
6. Seven (7) comments from Chip Fontaine, Town Engineer is dated 1/8/01. He is requesting a final report prior to any final approval of drainage plans and all drainage must be shown on any final plans. Are there one or two (1 or 2) interlocking gates? If one (1) gate, it needs to be identified. Alexan Circle should be a driveway type road. On Sheet C-4 property, it shows a property

line of less than 30 ft. and on Sheet C-10 it shows the curb line with a 30 ft. radius. That would have to be corrected as 30 ft. is town's minimum standards.

The layout of Burkhall St. is missing on Sheet C-4 (Burkhall in front of Alexan Circle)

7. Letter dated 1-5-01 from Joe Mazzotta regarding the Water Dept. You are subject to the 2 for 1 water conservation requirements and the 8 for 1 sewer I&I mitigation requirements. There is also a connection fee. He noted extending the 12" water main from the existing 12" main on Burkhall St. to the water main on Pleasant St. and replacing the 8" main on Burkhall St. All existing water services to be tied into the 12" main.

On Sheets C-18 to C-22 he is requesting to note the size of all water mains on the sheet by line weight. In addition they want to go through all the technical comments in terms of layout of structures i.e. sleeves, elbows. He is requesting a loop on Sheet 20 Burkhall to Alexan Circle and Sheet 22 Burkhall St. to the hydrant and the drainage easement area. Also requesting all water materials be per DPW specifications. No concrete pads are to be installed above any water main or water service and to maintain a vertical and horizontal separation between water and other utilities.

8. St. Lighting Comm. dated 1/14/00 - the developer should add similar lights as now used to continue the present lighting on this private way.
9. Tax Collector dated 12/29/00 - all taxes are current.

Mr. Clarke asked if the applicant was proposing any changes to the layout right-of-way to Burkhall St.?

Mr. Dillon asked if there was one entrance in and out? Mr. Seymour said Mr. Dillon was correct.

Mr. Seymour answering Mr. Clarke said that to open Burkhall St. is not in the Town's best interest.

Linda Neville of 120 Burkhall St. asked what is the timetable?

Mr. Clarke stated that the proposal to build on this land requires more than one boards approval - Conservation for wetlands, Bd. of Zoning Appeals for Special Permit for more than 19 units being proposed and Planning Board for sub-division approval.

Mr. Paul Utiger, 200 Burkhall Street stated that Mr. DiFazio withdrew without prejudice and asked what impact that would have?

Mr. Clarke said that it has no impact on the sub-division plan before the Planning Bd. That action was taken before the Zoning Bd. of Appeals and by that action, the applicant can re-submit that application or some modification of that application at any time.

Ms. Neville asked if this was the 1st time before the Planning Board and how long does the MEPA certificate last, 1 yr., 5 yrs.?

Mr. Clarke said this was the 1st time before the Planning Board and that he was not sure if the certificate has a specific time frame. If changes were made they would have to submit back to the MEPA unit.

Mr. Ralph Younie of 20 Linnway St. asked if they have MEPA and Conservation approval, why are we talking about runoff?

Mr. Clarke stated that the Planning Board has the right to review the utilities proposed for a sub-division and that includes the storm water control.

Discussion ensued between Mr. Younie, Mr. Seymour and Dale Harris with regard to pooling stagnant water.

Lauren Downing of 116 Burkhall asked if there would be sidewalks within the boundary of the town houses?

Mr. Seymour stated there is a system of sidewalks the entire length of the property. The sidewalks in front of the town houses are not straight sidewalks.

Mr. Joseph Torg, Trammell Crowe stated that the sidewalks in front of the town houses were not intended to be used for pedestrians but for the people to get to their private property.

Lengthy discussion ensued with regard to plowing.

Atty. Sean Cotter, 305 Union St., Rockland stated he represented Mr. Marques of 60 Circuit Rd. who drainage wise, will be the most affected by this project. As the Board will be continuing the public hearing on January 22nd, he would like the public to be able to make comments on the drainage. Referring to the comment made by Mr. Seymour that if this were his backyard, he would be concerned, Mr. Cotter would ask the Board members to visit the property and talk with Mr. Marques. There is a flow that rushes down in 4 or 5 areas coming across the Marques property.

Atty. Cotter would like the Planning Board to ask the applicant for copies of all the tests run and copies of the test results.

Atty. Dan Walsh stated he was representing the Soncrants of 30 Linnway. With regard to the drainage, the plan is to capture in retention ponds. These retention ponds will not disperse the water into the ground, they will draw the water up. The Burkhall St. extension (dead end) will not be used for traffic. According to the by-laws, dead end streets should be no longer than 800 ft. The by-law requires turnarounds. There are none in the definitive plan. Also, one retention pond is being eliminated.

Mr. Seymour explained that the Planning staff prepared a record of decision in the instance of receiving an affirmative vote from ZBA. In previous discussions we expressed a willingness to consider elimination of some units and one detention structure. We have not prepared nor submitted those plans.

Mr. Clarke said they prepared a report on the issues that were before the Board and are not preparing affirmative recommendations.

Mr. Walsh urged the Board to visit the site.

Discussion ensued relative to gas and electric lines, pre-existing conditions, maintaining the roads and private way, and the high tension wires.

Mr. David Robie of 559 Pleasant St. stated that having a traffic light would make a mess of Pleasant Street and that it was poor planning.

Motion by Scott Curry seconded by Karen DeTellis to continue the Public Hearing to January 22, 2001 at 7:30 P.M. in the Abigail Adams Auditorium.

All in favor. So voted unanimously.

Meeting adjourned at 9:30 P.M.

Respectfully submitted,

Annette M. Cignarella, Rec. Sec.

APPROVED 8-22-01

Signed: Paul M. Dillon
Paul M. Dillon, Chairman