

PB meeting – January 9, 2007

Opened at 7:03 pm

Comments – none

Other business

Applegate Farms CO Estimate from VHB –

Paul Carter – road is 1700 feet long, also includes the offset improvements for sidewalk and curbing down Coffee Street from Ellis – estimate is \$22,373.33

Motion by bob, seconded by chan – all yes

Swenson Granite –

Completeness review – gino's comments were forwarded to the applicant's engineer but no response

Andy – before Gino and Paul can begin their review

Susy to send off a letter that application is not complete until the requested items are submitted. – we will not start process till application is complete

PR estimates from Gino and VHB; - HOLD

Pine Meadow – water quality units were larger than they needed to be.

Faist submitted an alternative unit –

Paul – the alternative looks adequate – looks to address the quick rainstorms – we did request they submit a construction detail of the water quality units and to show these changes in the as-built plans

Motion to accept contingent on getting the shop drawing as requested – Karyl, john – all yes

ANR plan – hold until

ANR plan – 59 Fisher Street – hold on that until the next time we meet, - bob is looking into something relating to a nonconforming lot issue

Openpublic hearing for site plan – Medway Gardens/Xtra mart

Motion to waive reading of the public hearing notice – chan, Karyl – all yes

Conrad Decker – Drake

CME Associates –
Avellino family – property

Attorney John Vignone representing the Avellinos

Conrad - application is before the PB for site plan approval – corner of route 109/126 – currently the Medway Gardens facility – just under 3.6 acres of land – proposes to remove about 10-11 structures – 12 foot grade differential with lots of ledge – blasting to level the site to accommodate the improvements

Drake would be a lessor – Avellino would continue to own the property – they would develop on the south side

Avellino's – 22,500 sq. foot greenhouse and retail building on south side of property with parking in front of the building – all parking would essentially be to the west and some in the middle – convenience store with a honey dew donuts – 6 gas dispensers under a 38 x 92 foot canopy – I am doing a brief overview – Scott Young could not attend – considering site dynamic and traffic circulation and challenges of the grading we have elected to displace the right-of-way significantly – about 300 feet in each direction on Summer and Milford Street – the Summer Street access would allow traffic to enter in and around for Medway Gardens – displaced far away from intersection and signal

Grading and incline up to Milford Street – plans show a landscape proposal we can go into later

The property is zoned commercial 5 – retail gas, convenience store, and greenhouse are allowed by right as interpreted by the ZEO – all setbacks are met – the canopy is 80 feet back (50 feet required) – the site can have up to 30% building area – we are at 18% so we are well within the requirements –

Parking – between the retail of the convenience store and Medway Gardens, I believe the requirement is 72 cars and we have 80 – so we are sufficient –

We met with the planning board twice in March – came in with preliminary aspects of the site – suggested we take some time with the DRC to refine the architecture and landscaping before the application is submitted – we have been to DRC 5 occasions and we have made some accommodations – we made our formal application to the PB

Lynn Smith – CME Associates

Final plan layout of the store 48x84 about 4000 sq. ft – major component – franchise honey dew donuts with a drive thru window on the north side – with coolers, etc on back side of the store – we have been to the DRC several times – have refined the design over time – goal is to reduce scale of the roof, use materials consistent with Medway's history and scale of buildings – I think we have been successful in doing that – we have a perspective on how the canopy and extra work together with Medway Gardens further down the street – we have refined the canopy so it has some interesting arch elements – it is not the usual canopy – it relates well to the building

Medway Gardens center – 150 by 150 greenhouse structure – with some open bay display areas – another perspective looking up Summer Street north

Conrad – full set of plans have been submitted by the town –

Paul Carter – we did do our first review and we sent it to the PB and to Scott Young last week

Lynn – we got vhb comments on Friday and from Gino today so we haven't had a chance to address those issues

Conrad – stormwater management aspects – with the site being laid out the way it is – we have to keep stormwater on site – going with an infiltration system on site – a series of catch basins – tied to an oil water separator and infiltrate into the ground through a gallery system – all engineering has been submitted and is being reviewed by vhb – I believe the stormwater design was based on the existing condition is today – as long as we don't exceed those, those designs will demonstrate acceptability –

As far as the gas station is concerned – retail gas – fire suppression system installed inside the canopy per state law – 3 15,000 gallon gas tanks – double wall fiberglass tank – overfill protection – everything that is required by the state – this installation is more challenging because of the rock on the site – we have to make sure the integrity is maintained

Andy – are there special requirements when there is rock

Conrad – the void has to be filled with peastone – perhaps strapping put on the tanks; I don't think there are any water problems here – secondary containment and monitoring systems – with self serve facilities, there are certain requirements per the state fire marshal and visibility from the store –

Lighting will be reviewed by VHB – there is a photometric study in the plan set –

As far as traffic circulation – we have 2 driveways here now –

6 dispensers are shown with 12 fueling positions – we try to design the site based on peak AM and PM customer counts

andy – where do those numbers come from

Conrad – based on traffic counts – we set them up so that at peak periods, there are no waiting – we determined that we needed 5 to accommodate

Andy – some regulation of that

Conrad – no, it is a marketing determination based on traffic counts in market – the number of 5 dispensers is what is needed for the AM and PM peak

In this case with the street traffic, the number of 5 dispensers is what we determined

Andy – do you have somebody

Stephany Smith – with CME – Earthtek is working on the traffic study – they wanted to get the most representative sample for this project so they waited until after the holiday season – we anticipate getting a complete report by the beginning of Feb

Conrd – the initial traffic counts were based on mass highwaly counts – that is where the 5 dispensers came from

Chan – would you review the major components of the site again – first the donut drive thru – where is it?

Conrad – drive thru window is on the north side of the building with the queing lane at the east side of the retail store – egress out to summer street or loop around and go out milford street and go both ways fromn both exits

Chan – just 2 driveways to the site?

Conrad – yes –

Andy-would it be possible for you after the hearing to spend some time in the lobby to show residents?

Conrad – yes

Andy – we will be continuing this ph several times –

Conrad – part of the medway gardens is retial and the rest for plants, floral

Joe Avellino – inside the building – 10,000 sq. ft for florist shop, houseplant ares, grass seed al lunder a solid roof – glass wall iln the middle beyond which is the greenhouse – to the north weill be pavers where we can put our periientials an shtrubs and also to the east for outside display – so seasonabl – some times of the year there will be nothing in the greenhouse –

Chan – there is quite a bit of difference in elevation – on Milford Street – can you give us some idea of relatively how

Conrd – 12 grade difference from summer street entrance to milford street entrance – challenge for the site – flat pad - - parkingn spots have to fairly flat – elevate up again coming out to milford street

Andy – your 4-8% slope area is where

CMEguy – 2 % at summer street

Chan – 4-5 feet from summer street up and from there to miliford is 4-5 street

Conrad – we willuse the green area to makeup the diferential – gradual sopoing and all green area and landscaped accordingly

Andy – at some point you will subdivide the land – how will land laid out

Conrad – 3.56 acres the avelinos own – ther will be a subdivisonline – 1.92 aqcre and 1.6 acres – after approval is granted but prior to seeking a building permit, we would ask for an ANR approval – we need to do that after

Andy – do you show where that proerty line where the new buildings are –

Conrad – on back side of common parking spots – avellinos will own the fee interest in both properties – drake would be the lessee and there would be reciprocal easements to cross – and we would record those -

Andy – any specific reason why you need to divide the two

Joe avellino – property taxes

Conrad – our lease arrangement will be a triple net lease so we pay the taxes on our part –

The building has to be demolished before we can divide the property

Andy – we will talk about stormwater at a separate session – there are 5 pages of comments – our goal for this evening is to get an overall presentation – then hear the public comments

Conrad – let's do that now – we have given an overview of what we are doing

Andy – does the board have any comments, yet

Bob – in terms of the concept, I am OK – sometime soon, we need to have the party address how they feel they meet the zoning bylaws of the town –

Gino Carlucci – I did make note of the 2 major zoning issues that have been raised regarding the use of gasoline dispensing and a drive thru window – also a couple of other items – the number of parking spaces shown is 80 – the zoning bylaw also requires one space per employee on the site and a space per 3 seats in a restaurant – the number of employees was not designated on the plan – that needs to be clear – a note on the bylaw – requires a landscaped buffer of 15 feet on areas abutting residential zone - -

Conrad – I think it can be done

Gino – regarding the erosion control plan – it was shown on the same sheet as the drainage – it was so busy, it was difficult to read it – I would recommend that there be a separate erosion control plan that shows how it would be handled - regarding the lighting plan – the foot candle levels shown seem to be very high especially under the canopy and around the buildings – 26 to 40 foot – I think that is very high – it is a measurement of the amount of light that is given out by a light fixture – we do not have a specified number in our code –

Conrad – some towns have a requirement

Gino – there is a maximum for spillover in the rules and regs – on the site itself, it seems high

Gino – no indication of the edging along the driveway – vertical granite curbing or what is proposed – the regs specify vertical granite curbing

Gino – there is a requirement for pedestrian and bicycle access – doesn't seem to be anything at all to address that on the site

Gino – tree replacement – there is a regulation that the trees that are at least 10 inches and greater – the number of trees to be replanted needs to equal that – it didn't seem to be anywhere close to that amount that is removed

Gino – parking lots are required to have one tree per 6 spaces within the parking lot to provide shade – there is one peninsula with one tree – based on the 82 spaces, there should be 14 trees shading the parking lot – there are 5 along summer street but that is not enough – your parking spaces are 10 feet side, the board may consider a 9 foot side size and that could improve the trees

John Vignone, attorney for Avellino family – going over the first two comments from Mr. Carlucci – that it doesn't appear that the gas station or drive thru window is allowed – with that – the zoning bylaw defines an automobile service station – I bring your attention to – the bylaw doesn't say 'OR' it shows a comma, and has them together – thus needing both sales and repair services. It has been brought to my attention that there are different opinions between town and town counsel – I think what everybody can agree on that there is a retail store – what hasn't been addressed – having gas dispensers is an accessory use to a retail store in this district – there is an attorney called Mark Bobrowski who has written a book on – mentions that an accessory use to a bookstore is an espresso bar – most significant one in 1998 – pepboys had a retail auto parts store, they put in 12 service bays – that is an accessory use – we submit that the gas function is an accessory use – the same would be said for the drive-thru on the donuts – I don't think you can name a coffee place around that doesn't have a drive-thru – so I believe that even though opinions may differ as to the actual use – an accessory use can be agreed upon –

Andy – it is the job of this board to collect testimony and opinions and for us to render a decision after we have taken in all the information – once we close the public hearing and we make a decision – just and fair – based on all the facts that is presented

Chan – can we acknowledge that this is an issue and postpone this discussion

Andy – yes, – he has quoted Mark Bobrowski – we also have a letter from Mark Bobrowski on this matter – at some point, this issue needs to be vetted certainly and our own town counsel needs to weigh –

John Vignone – who is town counsel now

Andy – Petrini and Associates out of Framingham – last night the BOS endorsed the contract with Petrini and Associates –

Susy – we have provided all info to the new town counsel

Paul Carter – major comments – some questions as to whether there is existing wells or septic on the site – easements need to have the info on dimensions – fully defined; looks like there are 2 areas where outdoor display on the garden center looks like they are just barely in the 15 feet – check those distances – looks like there might be a need for a retaining wall at the southerly parking area looking at the contours – lot more details on the grading – you are creating plateaus with spot elevations to make sure things drain adequately – the drainage info needs to be labeled better – roof drains that need more info in terms of what is actually being constructed – the utilities need to have full engineering info rims invert, size, where the existing driveways are being relocated, moved, you need to show what is happening in those areas – sight distances at driveway to make sure they are adequate – in terms of internal circulation – additional signage, pavement markings to define travel paths – make sure your radii are adequate

for truck and emergency access vehicles – looks like osmeo fht raddi are tight and should probably bne incrsed –

Conrad –done on a 2b 50

Paul –show that

Paul grading on the northerly entrance is shown at 4-8% - there needs to be a 2% area for 25 feet or talk to the board about a waiver - you donthave that on the route 109 driveway – before you start the steeper are a- all the curbing needs to be labels

Paul – sidewalk on route 126 – show crosswalkkk

In term sof drainge – ib elieve it is an underground storage system – there was refernce to test pits – but no testpit or perk tests were provided – infiltration calculaitons need to be provided – show high ground water –e elevaitonof ledge – and it also shows a connection to the existing drianage system in route 126 – you need to show thatyou cannot handle drainge in any other way – you will need to talk to DPS to secure permission to do that -= you have to prove that you can't do it any other way . .

Snow storage areas

Lighting – some spillover on the side/edges – it would be helpful to show the surface detail and theproerty lineon the lighting plan –

Imae the same comment son landscaping and buffer trees

Andy – is it even possible to do tst pits

CME – we have done them, we just didn't show them on the plans, we can do so

Bob – have you done borings

Cme guy – not sure

Andy – comments from audience?

Jan fish, 5 Fisher Terrance – I live on the west side - I have several uwations re; traffic patterns on route 126 – comeing north or south – great deal of traffic there – the patterns there with dunkin donuts, fire department and restaurant -0 how much pressure will be put on the town to increase the number of lanes – if traffic cannot gointo north entrance - I would assume it would be a eastbound turn onto Milford Street -

Conrad – summer street – can go right or left – we are 300 feet away
Milford street – egress right or left – we are 300 feet away –
In peak periods, there is significant displacement

Jan – same situation with Dunkin Donuts – creates a traffic jam – for folks trying to get in and out – I am afraid the same situation may happen on the route 109 exit – I would like to know what the elevation grade – as people coming out of that exit, are they blinded – is there any sort of sight line problems if you are in a small car – has that beenaddressed

Paul – they need to submit

Lynn smith – that driveway is at the apex of the hill

Andy avellino – I walked the site with officer Watson, he saw where the cut was coming in and he checked the line of sight and he said it is OK. He can tell you his opinion.

Jan – that is good news – the use of the corner with the current capacity – when will the town itself doing any sort of expansion at that intersection – Dave Damcio at the last town meeting re: giving rights to restaurant 45 – are there 3 lanes coming west to east on route 109 - we just can't get around that – I would also like to know how you will transit the hill from west to east on route 109 – driveway is at the apex of the hill – how will it be graded? Will you bank for it?

Andy – it calls for 25 feet at 2% - are you going to request a waiver?

Stephancy – engineers need to look that

Conrad – shows property line – the current opening into medway gardens are in the town's right of way – that will also be closed off

Jan – last question – medway high school – there is a huge project with route 126 sidewalks – will that extend south of route 109/126 area – will that extend down

Andy – paul has addressed his comment in his notes – they need to address sidewalks and

Paul – there will be sidewalks on the east side of route 126 –

Lynn – they show a sidewalk on both sides of summer street on the mass highway plan

Jan – sidewalks, traffic, egress patterns and general traffic problem that is developing at the corner – thank you

Vickos, dohl, 5 little tree road – you may remember me from restaurant 45 – I am very concerned about the choice of facility that is being selected here – along little tree road, every house has kids – there is a school bus route on route 109 – safety is already compromised - noise pollution levels are extremely high – if this facility is dispensing diesel – late issue s- I am probably the closest house – hazard of having a gas station close to your house – not very safe – very concerned and I know many members of the neighborhood are concerned about choice of facility and plans – I wonder if the members of the PB would like to have such a facility close to the house

Conrad – there will be diesel under the canopy for cars – this is not a truck stop – many of the locations we have, we have a second diesel component to it – that is not the case – there will be auto diesel – one hose will have diesel hose permit – no truck traffic

Andy – is there a difference between auto and truck diesel

Vickosdohn – I am a chemical engineer – it is exactly the same -

Judy NOturno , summer street – I am concerned about the number of pumps that are going in – seems way to many – we don't have that in medway – concerned about 24 hour operation – concerned about the size of the canopy – very large – and the delivery of fuel – will it be restricted todaytime

Conrad – we can control that

Judy – the sound system, calling people at the pumps

Conrad – there has to be an intercom – per state law –

Judy – lighting – and just the signage that will be going on there- will all things be advertised

Conrad – the town has a bylaw

Judy – how high is the canopy –

Conrad – 14.5 and 15 feet under the canopy –

Judy – no stopping trucks then?

Conrad – tractor trailers cannot do it

Judy – buffer zone between summer street and the parking lot

Conrad – about 30

Lynn- shown at about 13 feet – can get it to 15 feet

Judy – trees?

Andy – additional trees need to be added here along the street

Paul – also where it abuts residential it needs to be 6 feet on center – they show only 15 feet

Conrad – the number of dispensers was based on – we originally came in with a 6 dispenser layout going across the entire front – now we have a 3 x 2 – originally it was 170 feet long – both the PB and the DRC did not like the length of the canopy – we then came in with another scheme with 5 across down to 135 feet – again the PB and DRC said they would like to see something smaller – we wanted to make the canopy smaller – then down to 92 feet with 6 pumps – once we got the grades in - I alluded to that we needed 5 to make it work – we could reduce it down to 5 pumps but it wouldn't make the canopy any smaller – the only way to make it really smaller, that would bring the canopy down to 56 feet.

Judy – do we have a station in medway for 6 pumps

Andy – why wouldn't you consider that

Conrad – we need 5 minimum to accomplish it, but the configuration

Andy – it is not a regulation – could you consider reducing the quantity down to 4 pumps,

Conrad – you have 8 fueling positions, as opposed to 12 – during the peak periods, when you get 8 fueling positions filled, you get people stacking up behind –

Andy – do you think people will queue out onto route 109?

Conrad – no – you just don't want them to choke up inside –

Andy – for convenience of the traveler?

Conrad – we spent a lot of time with DRC – if you only have 4 dispensers, and people are queuing up then

Andy – what if the convenience store got smaller – seems to be a concern, site is relatively small for such a large

Conrad – to the contrary, this site is actually large for what we normally work with – this is a good sized site to work – comfortable – parking, travel lanes – works nice despite the grades

Karyl – The DRC has not met formally with this applicant – this is the first meeting with the applicant - the DRC has had discussions with you – there have been no

Andy – there was no application in at the time

Conrad – the PB asked us to meet with the DRC

Bob – now it becomes formal

Andy – the point that we suggested you go to them, was to try to work with them to work on scale and size of the project – we wanted to make sure there were plenty of opportunities for people to comment

Rob Condon, 3 rustic road – probably the closest to the facility within the neighborhood – many of my neighborhoods members asked me to speak – concern about 24 hour opens – we feel that is excessive and affects the peace and tranquility of our neighborhood – the diesel issue is that there is no way to prevent tractor trailers trucks – there will be fuel trucks to deliver

Conrad – site works OK for delivery trucks –

Andy – turning radius are adequate

Conrad – for delivery

Andy – but can't get under the canopy

Andy – we can also impose a condition such that would not be allowed

Rob Condon – would there be signage on 495

Susy – that would be a mass highway

Andy- not in medway

Rob – lighting is disruptive e- curious if and when this gets approved, how long would construction be

Conrad – about 4-5 months – tricky sight – because of the seasonal nature of htea vellinos business – we need to be sensivie to that – we would probably think the best case scenario would be late summer (2007) ready before winter – avellinos would want to be in before winter

Rob – we continue to be concerned with traffic cutting through the streets – with restaurant 45, the PB felt it was a very different issue, what is the status on street acceptance? This is important to us, that prevents signage from cutting lityhrough

Andy – the differenced here is that there is a bonding company involved – I think you will probably see some activity increase this spring – there is amovement to get it wrapped up –

Rob – if that doesn't get completed by the 2007 town meeting

Andy – I wouldn't expect it by may

Rob – can I get a copy of mr. carlucci's concerns

Audry Alexander, summer street – in connection – we are the closest to this – we are riight across the street right on the corner of rustic and summers – I know what business is like on that corner – we had something there for 25 years – my concern with this is the traffic at 2-3 in the morning all meeting in midway – that is my concern being on that corenr – we have been there for over 40 eyars – this is my concern – and I do think that 6 pumps is too big for that corner – I would like – is there a possibility to put a fence from fire hyudrant on rustic around the corner of our property?

Andy – we can't mandate offsite improvements on private property

Mrsl aloexnader – I understgand, we did this

Andy – I would encourage them to work with you to work out something with you

Conrad – that is somelkthing we would have to discuss

Mrs. Alexnader – there was fence written in on the subdivision plan for Speroni Acres – that is where kids will hang out

Chris baldine little tree road – the drive thru window for honey dew donuts, - realtically – people are not going to drive all the way around the building to go out – they will through out neighborhood to get out - if the pickup window was in a different location, that might cut that down

Conrad – the design of a drive thru is always to crate as long a que line as possible

Ruth allen – my concern is the intersection – I don't want to come in and say we have to redesign the intersection – 8 temple Street

Andy – chan, can you comment

Chan – as a traffic engineer, the state has a plan which does not include any turning lane s- the signal will have a counter in the pavement which will allow movement as long as there is a queue – the signal will adjust as long as there is demand - have you noticed that there is no queue on route 109 recently – I am concerned about the signal and impact on traffic – there are trucks going east on route 109 to turn left onto route 126 b- we are looking at that

Andy – we are preserving the right of way

Ruth – we have it open now, it would be cheaper to do something now

Jesse Bain, 37 Milford Street – concerned about the blasting – when they blasted at ICE – my house was shaking

Conrad – the blasting would not be for 6 months

Andy – they have to send an insurance – preblast surveys throughout neighborhood – all abutters would have pre-blasting videos – preexisting conditions – to address claims after

Jesse Bain – traffic from the route 109 side – that is 50 feet from my driveway – I can't hardly get out of my driveway – concerned about accident

Jan Fish – go further with blasting – ledge vibrations – concerned about impact on concrete pad at fire station building – blasting could shatter that

Andy – I don't want to resolve the zoning

Conrad – we would like to resolve this first

Andy – let's send a letter to town counsel to ask for a specific

Conrad – zoning issue is going to be problematic

Andy- we don't want to stymie this process – we want to go through a process that is fair – if you want to get a resolution you may not get this from the board

Andy- this is a formal process that we need to follow – you have rights – your remedies beyond tonight's hearing if you are not happy, are very specific – we have to protect the town's interest as well – we need

Vignone- who's interpretation will be used?

Andy – we need an interpretation on the process

Vignone – I don't think the land court will do a declaratory judgment

Chan – now we can ask town counsel to do give us an opinion

Andy – we will move as speedily through this process as we can – our new town counsel wasn't able to be here this evening – from a business perspective,

Conrad – we would like to request from the board – a declaratory interpretation by town counsel on this whole zoning issue before we go any further –

Andy – I am not going to ask for a motion from anybody until we have talked with counsel –

Karyl- what happens to the legal opinion that we already do have

Andy – we will enter it into the record at the next public hearing - it is available

Chan - motion to enter into the record right now – seconded by Karyl – waive the reading of it

Lynn – what does it say?

Andy – attorney mark bobrowski, took issue with this use – he has made his own interpretation

John – can we move to resolve this issue at the next meeting

Andy – we will only talk about the zoning use issue – that may change if town counsel advises us otherwise because of the threat of litigation –

9:00 p.m. –

short break at 9:05 pm

john vignone – 508-384-3900 – attorney for the avellinos

Andy – we are going to take something out of order here for 2 seconds – we will have to stop at 9:125 to open and continue the River Bend PH

Rich Cornetta – we are working toward completion of the River bend special permit decision – and I think there are two issues that we are working on – completion of the decision and mass housing has been pushing back on distribution of the affordable units – maybe put some out in the town houses and some in the buildings – something to chew on to chew on - and then susy and you guys have been trading the decision back and forth – susy, rich and

Rich – we want to make an offer to you – it might be in the best interest – we would be open to coming back at another time –

Andy – would the board be OK to do something

Next Tuesday at 8:30 and any issues paul may have

Lee – council approved us last week pending a final VHB letter - and they agreed to the CR as well

Adam costas - ;looked at the draft decision – dhcd concern on disbursement – they want to see roughly an equal number of apartment units and condo units – we can work on language into the decision – most other comments are on the gaps – there are some areas that need expansion – we can work on that behind the scenes- get a more definite final version

Andy – we just continued to next Tuesday at 8:30 pm

Daniels Village ARCPUD

Jim Williamson

Rob truax

Steve Cosmos,

Jim – new plans have been filed tonight – with new drainage calcs – we met with DRC last night – we are pretty much done with them – we would like ZMr. Costmos to explain the landscaping scheme

Rob – we are submitting a new document tonight – I gave Paul his sets - the landscaping = Steve Cosmos has been out here on site – he will go through it with you

Steve Cosmost – registered LA, you may recognize your name, I helped Gino with the new town center route 109 – lived in Millis – know the town – looked at site – one of the first things I saw is the nice rural feeling that we want to maintain – within all the hedgerows full of stone walls – I really wanted to integrate that into the site and reuse the stone for new walls – we walked the hedgerows and see what we could save – some grading issues and some old trees that have some difficulties – we have revegetated the whole site – maintained 2 hedgerows – along the front, we have put in a new stone wall with the old stones that will be somewhat back from the property lines – clean up the existing trees grass rolling down to the wall with simple returns and behind the lawn will roll up with new specimen trees – stationary gates – white farm looking – lights and identifier sign – evoke a simple farm, toward the estate side – in front of the front units – little curvilinear walk with some pretty dense evergreen screening

Along the basins here it is heavily screened with evergreens – the views in of the drainage basin will be very screened – as far as the open space for the site – we walked the trail system – we picked up a trail that picks up along to connect out to Winthrop Street and out to connect to the high school – sidewalks through the site – open space in the middle – attach to another loop with community gardens – fully enclosed with deer fence and raised beds – composting area screened with a hedge and a nice loop – there is a gazebo back here with some birch trees surrounding it – another stone wall at the western edge where the path connects – I tried to make the walls so they can easily pick up the stones and rebuild new walls – minimize destruction of the age of the stones – the less we handle them, the better – lots of opportunities to use stone at the site –

The central space – sort of a common space – stone wall at each end – ornamental beds – not high maintenance situation at all – we have covered the site with new shade trees – smaller ornamentals and large maples and lindens – quite an array of ornamentals – the site will be revegetated

Karyl – the DRC was enthralled with what Steve did – he took the open space and made it intimate areas and places where people could gather – he took a detail and put it back to the property – we were just delighted overall with his concepts – he seems to be a landscape person that just totally gets it –

Andy – any board comments

John – we had a list of specific trees

Rob – all the trees are shown on the exswiting trees – the big hickory is gone – due to the grading

Jim – steve told us which could be saved – we flagged

Mr gustin – are the flagged trees out there to be cut or saved?

Steve – saved

Steve – the good thing about the species is that is grows fairly rapidly – unfortunately about the large specimen they are slower to pick - I like trees with big heads to begin with – I tend to try to use the species that have a big hea

Karyl -0 give it a college try to save some

Chan – this is the way it should be done

Susy – cul de sac islands - what are your plans?

Steve – cobbles with a tree – with some evergreens –

Susy – look at the subdivision ruels and regs – sample

Paul - concrete pavers might give you a more plowable surface vs. cobblestones

Steve – nice products

Rob – do you show a granite edge

Paul – yes.

Susy – any way finding plans or light posts?

Rob – we show a series of post lights through the site – I don't have it on there – we will put it on the next plans – we will provide that

Susy – lighting? Locations?

Karyl – low pathway lighting

Bob – sensors . . . can work

Andy 0

Mr. gustin – any general rules about minimizing light pollution – I like seeing the dark sky –

Rob – we did a lantern to shine down – we don't want the place real bright but no pitch dark either

Chan – what is the concept for maintenance?

Rob – we will probably maintain – my thinking is that there will be a landscaping contractor for the condo association –

Jim – condo association – responsibility for them to take care of this –

Karyl – really nice on the interior areas -

Andy – letter from town of Medway fire department from Wayne Vinton – attach and make a part of the minutes – OK on street arrangement – note re: fire alarm system payment in lieu of installing fire alarm boxes – would need \$3,000 fee

Susy – make that a condition of the decision

Jim – while we are here – we have made a lot of progress – new site plans, density to 80, nice landscaping – Susy has brought to my attention is the contribution you will request for capital improvements to the senior center – we have a problem with that – the spring town meeting required 10% - that is 8 units – our actual cost is going to be about 320,000 per unit – our loss on the affordable units is \$170,000 – that is 1.4 million we would like to think that one of our contributions to the town is the affordable housing – it is not like a 40B project where you get subsidized funding for the affordables - to tack on \$1500 per unit – we don't feel it is appropriate – the density has gone down quite a bit – down to 80 units after we started at 118 – that puts our per unit cost up higher than we had anticipated – we are purchasing the property with less units than the minimum – we still have to pay based on the higher number of units we had thought – the board has not formally asked us – Susy indicated that it would be forthcoming – it is a burden on us – when we originally came before the board, the town meeting had not done the 10% affordable – we don't want the project to get squeezed so tight that we cut back on things – we don't want to be in a situation that we got to cheapen the project – you haven't formally asked us for the contribution – you talked about it in general – River Bend – is different – they owned the land for years – they have a lot of units in one building which is a less costly construction – where we are spread out all over the place with 2900 linear feet of new road –

The other thing is the affordable housing component – I did some work on this – we had a general discussion about getting housing off site in lieu of doing it on site – there are some other condos for sale in time and some single families – the minimum price for a condo is 230,000 and the single families are more – what does the board have in mind in terms of doing something offsite

Andy – it might be a good idea, to meet with the affordable housing committee – let us talk to them – talk together

Jim – we need some direction – maybe if we bought something else –

Andy – we want the units to count toward our 10% - to the extent that we can make sure to comply – in the spirit of what we are trying to do here – if they are offsite – you don't take the hit on the development side but the community get the unit counts toward our 10%

Jim – we have retained a consultant –

Andy – you had told us to market the units –

John – as a rule if we continue to do this, we end up with a part of town where all the affordable housing is concentrated

Karyl – I had an idea . . as we proceed with these parcels of land and the developer comes before us with a concept with what he wants to do and what he – we mitigate with how much of that land we want to see as open space – one thought is what if we negotiate open space and donate parcels of land for affordable housing on or near or next to the project site to develop the affordable element, it is a part of the development

Jim – your bylaw requires the official open space to be kept natural

Bob – instead of pushing you for more open space -

Jim – this is an active list of condos – 230 village street; snaford mill, 3 at heritagae way- - MLs

Rob – he would buy the units and convey

Jim – there are some single family homes –

Karyl – would they be rehabbed –

Andy – Natick is doing this now –

John – can we borrow their model?

Susy – set up a meeting with DHCD, affordable housing committee, jim and his housing consultant –

Chan – what is your basic number of total acreage –

Jim – overall site is 52 acres – 80 units, bylaw requires 8 affordables –

Susy – maximum possible number of

Chan – we should further discuss – mitigation for senior center

Jim – we are doing a project in Natick – the town is getting a lot of affordable units – some remediation – we just got a town meeting to make that a 40R district – we still need a special permit – one of the things we had to do with the smart growth – we had to get a commitment from the town they wouldn't burden us with too much infrastructure –

Andy – do you want to go to 20% affordable units instead of doing mitigation for the senior center –

John – I look at the mitigation for the senior center- the residents of this community will be taking advantage of the senior center – they will benefit

Kayrl – there is no community center within this community, it leaves one to think – whatever River Bend will spend on a community center, you don't have to do that – it would be great as a effort to enlarge the senior center-

Jim – we aren't going to solve anything tonight – we don't want it to be so tight, so we don't build a high quality product

We would like to start construction mid summer – we think we will blow out the competition – there is no site anywhere that – signature site – we do signature developments – you have to stand out –

Kayrl – need more refined detailed architectural –

Andy – more details on the lighting, cul de sac islands,

9:00 on February 13 – to continue

set up a meeting with AH committee . . etc on an off-site – look at zoning bylaw to see if it allows for offsite –

correspondance – petrini and associates

chan – this meeting this morning on how the state subsidizes land for industrial development – I would like gino to review the material and report to us –

andy – speaking of grants – we had a meeting of the development review coordinating council – chan was there – went very well – it was probably 80% attendance – april Anderson was here to brief everybody on the 43D process – gino spoke about it from his perspective – he had a handout – we distributed our handouts that we did at the – got some info from bob Speroni about a software program- that we could look at – I did speak with dave travalini who wasn't there but he is very supportive and would cooperate -

gino – there were some minor concerns that people brought up =- nothing that cannot be overcome – I think the key point – is that no authority that any board has now will change – it is just a matter of process and timing – no giving up of regs –

andy – it is January 9 and we are looking at a town meeting – I would encourage you to relook at your goals – get a copy

email them out to everybody

GSCCommittee presentation – we told them we would be glad to consider changes – we filled out the questionnaire – we had a good conversation – there just wasn't enough time – we did speak about the need for someone to have somebody available to address the public issues – there was a shift in the thinking about whether the IDC should be part of the PB – ultimately suggesting that some additional staff be provided to utilize susy more – have her use the skills she has in a

higher capacity instead of the clerical role she is relegated to – to make us more efficient and move us along quicker and get us some commercial

Bob – something similar to the DRC relationship??

Bob – also, having somebody at town hall who is a go to person – for PB issues, for any development issues – focus where you could have a single entity

Andy – some of that change might require a bylaw or a willingness to share or a designation by the TA – however it happens – directive from TA – not for us to say – being addressed by the GSC – they recognize the importance of having some type of change happen –

John – I want to bring up a question on the affordable housing – having the individual developers do the off site seems a little bit complicated – is it possible to have a fund that would be managed by a committee in town to subsidize housing –

Andy – my concern is that you get yourself hung up in public purchasing – we should codify a policy

Bob – one of the things we will need to do to define where the properties are located – we are going to have to watch that – I think it is important that we have a good idea where the units – we don't want to overload any burden –

Kayl – no ghetto

Motino admonish – John, Bob

10:25 pm

Minutes of 1/16/07 PB mtg

PRESENT:

PB members: Andy Rodenhiser, John Schroeder; Bob Tucker; Karyl Spiller-Walsh;
Chan Rogers

IDC members: Bill Wright; Rick Kaplan; Kellie Ployer; Glenn Trindade; Dave
Harrington

Others: Susy Affleck-Childs; Gino Carlucci, PGC Associates; Rich Dunne,
BOS; Dennis Crowley/BOS

7:12 – Call to order

Andy – thanks for coming, happy New Year to everybody

JOINT PB/IDC WORK SESSION

Bill Wright – handout for first agenda item

Andy – we want to work more congruently with you – we need to better understand your role and how you see us working better with you – develop a better process – part of our most recent endeavor with the 43D expedited permitting program

Andy – we don't want to have critics from afar –

Introductions all around

Andy – Bill, can you outline for us –

Bill – we have taken our approach right from the master plan – primary purpose is to promote and develop the industrial resources of Medway – maximum economic development resources See list from handout . . . that being said, over the last 5 years, our top priority has been bringing sewer to the Medway business park at 496 feeling that that would help accomplish a number of our goals – and others become less of a priority – that has been our primary goal –

Andy – how is it that you guys got so wrapped up in the sewer

Bill – how did we get involved originally? I don't know – when I got involved in the IDC, the group had already received a grant for research/economic feasibility and preliminary engineering – at that point, we embraced

Glenn Trindade – the IDC goes back to the 80's – in 1999 when Mike Hartman was the TA, there was a big disagreement between the IDC and Mike Hartman – at that time the IDC disbanded – I volunteered to get on the IDC and called some of the former members and asked them to stay on (Paul DeSimone, senior – Bill came on board as did others – bill has really brought the committee back – the process to get to the sewer was a continuation of the old IDC's

work related to the construction of Alder Street and then Conroy built its building – without sewer, we were limited in type of development that could happen at that park – the one place where it made the most sense for sewer was the west side industrial park

Andy – how come we didn't rely on the sewer dept to do it?

Glenn – they didn't take the ball and run with it –

Chan – that is essential to the whole problem here

Glenn – the sewer commission did not run with it – if you put yourself in their shoes – the argument would be why should everybody in town subsidize the cost to put sewer out to the park – we could try to do that and waste town – instead we have aggressively pursued grants and with the property owners to work to bring sewer – get their support – talk to Gino, bill – conversations with legislative delegation – we chose that route instead of waiting for somebody else to do the job – we could sit here and talk about being armchair quarterbacks, we could sit back and criticize all the folks in the 80s when sewer wasn't put in – so tonight, how do we collectively move forward – look at opportunities – we have a jobs MORE grant –that could come in at 7 figures – also the other grant for 500,000 – look at the folks there like Cybex who are waiting and want to build – add 100 jobs here – give us sewer – I would argue that the PB and the IDC have never had any problems in the past . . We have worked

Chan – why cant you enlist others to help you – you are keeping it to yourself - let us al know what you have said – I haven't known it – you have been keeping it to yourself f- we all need to help – that is my point – we want you to ask us –

Bill – why didn't the sewer board run with it – another reason why is the best alternative for the sewer route requires a pumping station – the master sewer plan says that Medway will not have any pumping stations – they don't want to have anything to do with that – because that is in the mix, the water sewer folks have not embraced –

Andy – mark Flaherty has said he is opposed to it – he has made it clear that he is opposed with that methodology for dealing with sewers

Chan – I am an engineer, I understand sewers – why haven't we had this 2 years ago – that is why I am upset – we should have had this meeting 2 years ago –

Glenn – I commend the board for bringing us together – how do we move forward

Andy – sewer seems to be

Bob – status?

Bill – engineering has commenced - we have taken the approach that we will not start this until we have all the funding in place – with grant money we have already secured, we have started the engineering work – finalize that and develop detailed budgets instead of working off the preliminary stuff form 6-7 years ago – we are still in process of trying to secure remaining funding – hopefully thru the MORE jobs grant which isn't quite available yet – we have started the process for the DIF application – earmarking the incremental tax increase to pay for the bond to pay for the sewer – that is our last resort to go to that – we hope to use the MORE program in

partnership with Cybex – we are all on board, and we need the state to say yes we are reading to take applications

Bob – where

Bill – connect at Franklin and Village Street and the route from the business park to there is a little up in the air – the best route seems to be on Granite Street for a ways –

Dave – lots of turns

Andy – to help residents tie in

Bill – vision ahead –whole stallbrook neighborhood would probably want to tie in or need to tie in someday – trying to make it not just a single focus to the business park – what is in the best interest of time

Karyl – what is happening to the mark Flaherty hiccup – how will that effect the state in funding

Bill – it is a hiccup, it has been a speed bump – we'll have an associaotin formed of the business owners who will own the pumping station who will contract with the town to maintain it

Karyl – what about the stallbrook neighbors

Bill – any resident would have to pay to tie in

Bill – we have secured the easement to locate the pumping station

Kellie –annual cost

Dave Harrington – less than \$20,000

Gino – definitely – the payment was both maintenance and future replacement

Bill – like a condo fee – it would have to be fully replaced within 20 years

Dave – there is another pumping station in town – there is precedent

Andy – up on Summer Street

Karyl – was there a philosophical difference with Hartman

Glenn – there was a battle between the IDC and Mike Hartman – one of the other things was that the BOS kind of left the IDC hanging – it was almost like everybody ignored it –people forgot the IDC – the issue with water and sewer, it was brought up and they said no – and it was just left – the IDC just pushed forward – to reach out to water and sewer – they have supported all the plans up until now - we do have an issue with the pump – we have had to go through – we passed a debt exclusion for this which we never issued; we fixed the betterment fee is only \$12,000 – this is cheap for those who live along the route – if we can pull off the last piece of the funding g

Chan – what have the selectmen done to try to bring them into the picture – we can't stand the separation

Glenn – it doesn't exist anymore – the BOS has supported the IDC on the grants, engineering work – funding for Gino's work here – the BOS has been very supportive

Chan – but you have done nothing to get the water/sewer guys into the picture

Glenn – we are past that – we don't need to fight that

Andy – when will it be relevant for the IDC to hand off to the water /sewer

Bill –

Chan – you are letting them run off on their own – any attempt to get the water/sewer folks to work with everybody

Rich dune – the water/sewer commission reports only to town meeting – that is how we are structured – that is one of our real issues

Karyl – that is my problem – there is autonomy

Chan – there is nobody interested in

Bill – we have had numerous meetings with the sewer board – they have come to many meetings with us – they have been involved in the process – they are not the catalyst – but they have been kept in the loop of what is happening –

Andy – in the absence of leadership on their part, the IDC stepped up when no one else was – that has caused the IDC to be directing an inordinate amount of time to this project

Glenn – everybody should know – Rick Kaplan, Kellie Ployer are professionals in real estate – they have helped us – contacts with others folks in industrial develop – we now have materials to market the park – the park has limitations until the sewer is there – if you look at what it takes to get project off the ground, a business is not going to commit the money - this is a chicken and the egg problem – everybody needs to know we are looking at this – plans for the future- we are very frustrated

Andy – there is vision before there is need – we have developed because of the need in terms of being caught behind the curve on development – our tax base being upside down

Bill – in my ignorance before getting involved – I used to say how in the world do we have this great piece of land with nothing there

John – I have a little issue – your goals are very similar to ours – you have the expertise to market that property –to develop a plan for marketing the property and we have applicants coming before us who want to do things over there and we don't know what your concept is for that park – you are going to develop that vision - if we understood what the plan is

Bill – we fully realize it is not going to be a forge park – a Cybex international is a good example of what could be there – combo office/manufacturing – providing employment opportunities in the area, and a tax base that will promote others business in town – there are all sorts of things that can come from a vibrant business park that has the structure and the employment base

Glenn – Cybex – you ought to take a tour – they make all the metal parts – stamped into the equipment, painting process with an evaporator – huge piece of equipment is needed to evaporate the waste water – they wouldn't need that if there was sewer service

Kellie – their business costs would be much less somewhere else - but I renew tenants who will stay because the cost to move is too much

Glenn – Conroy was so interested that they wanted to loan the town money to help fund the sewer project – cause they had somebody that would have taken the whole building – that would have been 400-500 employees – with loads of taxable personal property – and it is biotech – clean – well paid people – peripheral development to service those people – again to your point – we weren't prepared so we missed that opportunity - that opportunity will happen again – ask Kellie to tell you about Mansfield – look at Milford

John – C1 and C2 – I have a good understanding of where we want to go due to Gino's work – what about Industrial III

Andy – and codify zoning changes that reflect that desire so applicants know what is expected and allowed - we have looked at a use table – we only have an annual town meeting once year – we got a window of opportunity to preserve land and reserve it if you will, - we have the east and west sides that we need to work to reserve land before we get applications

Kellie – the east side park where Millis is – def b- use – far below – we want to reserve our best at the 495 –

Andy – does that mean we shouldn't do anything with the b?

Kellie – no, but they are different

Andy – lets talk about the potential in Medway – we have this large track of land and it is dry – and reserve it so we are having that vision today, so we didn't just focus on one little gem

Kellie – Rick and I could talk to other people in the industry – tell us what the piece of land is

Glenn – I think you are absolutely right - I think we need to have height restrictions lifted –

Andy – there is no reason to have them – I talked to bob Speroni

Rick – on 495 you aren't going to go up 3-4 stories high – unique opportunity now – the owners are all sitting on their property and not doing anything with it – with town sewage there will be a higher and better use

Andy – I would say you have sufficient momentum – the torpedo has been released

Rick – the DIF thing – I am hesitant until we can really prove that it will be beneficial – we should go full forward and see where the numbers – we need to get the property owners more involved – they aren't very appreciative of our work at all – I think sometimes as members of a town board, we have to look beyond the perspective of an individual – without their agreement, we won't be able to market the property – until we have the sewer money

Andy – is there a consensus among fractured owners?

Bill – everyone has to feel frustrated and doubting – just do it – what is the big deal? I think they are tired of hearing that we are another step closer, etc.

Glenn – how can business people make development plans – they may not have 3-4 years to wait - let's look at some of the other parcels on the land that abuts the park – starts to tie into the sewer

Chan – who is the “their” in your statement?

Rick – the private property owners in the industrial park

Chan – I am concerned that we don't have this kind of discussion among us earlier so we can market

Rick – to whom do you want to market - the current owners are not willing to see

Kellie – I work for Deutsch bank – I manage industrial and commercial and mixed use properties – I manage 18 buildings – I am responsible for finding tenants, lease, and putting them in the building – they have to make sure their zoning use is allowed – I am the go between with the town – 21 years – we know commercial brokers – we can't go out and show this land without the sewer – we are all here now

Rick Kaplan – I am a commercial real estate broker – I find tenants and go to

Chan – these things have not come out before, that is part of the problem we have – it is too bad that we don't have this kind of relationship – this is the first time in 2 years -

Bob – let's go forward

Chan - we don't understand each other

Andy – possibly you don't

Andy – I talk to these guys on a regular basis

Glenn – we do need to create a common vision – we need to tighten up the zoning bylaws and we can use the development review coordinating council – and I joined the arc of innovation – 495 corridor communities and businesses – so one of the things they have created is a statewide data base of properties that are available – we are making sure that Medway's postings are included and updated – we changed the info to proposed sewer – we are doing all of those things to move forward – maybe we need a master plan for both parks and here is what we need to do – zoning changes that are necessary

Kellie – when a large company wants to come to Massachusetts, they contact one of the big commercial houses – show me your top 10 places – we need to get our info in all the books – COSTAR – we have to get on this radar screen

Andy – do you want to be on the radar screen with no sewer?

Kellie – no

Chan – you have been doing this by yourselves – you haven't brought anybody else in – you could use somebody like me who is an agitator

Glenn

Andy – I think that the critical aspect is somewhat appreciated – being an agitator I can appreciate that – I have been - we have been talking

Chan – you have done that privately

Glenn –

Rich – it is what it is – how do we move forward – how do we get the right people involved – obvious that we have a diamond in the rough on 495 to make it saleable – Let's put an action in place

Kellie - let's do this 3-4 times a year

Karyl – we still have the opportunity – this is a positive thing – what happened to the idea of large company coming in – 43D expedited permitting – why aren't we think that is realistic

Andy – john and I on Friday were talking about whether it would make sense for us to go to the Milford Hospital and talk to them about doing something here in Medway – up to 300 residents with our new ARCPUD – maybe we could put a medical use

Kellie – not in the park, it is not the highest and best use – but along route 109

Dave – it takes 3-5 year plan for somebody to – why Medway? List . . . how is Medway different? Single tax rate, not in the water resource district;

Karyl – diamond in the rough; wouldn't some company see the hurdle as a blip

Kellie – there are other choices where people can go – Conroy took a big chance

Dennis Crowley – what is stopping us from the building the sewer?

Glenn –none

Karyl – what is the cost?

Bill – let's say it is \$4 to bring it in – where does that come from

Dennis – what

Glenn – 1/3 is debt exclusion; 1/3 betterments; 1/3 with grants and state financing options – the issue has been, we borrow that money – the way the DIF work, the incremental tax revenues go to pay off the notes – it will take us about 18 months to get the sewer extension out there – but there could be a delay in the revenue stream

Dennis – you have to react now – unless you build it

Bill – it is being engineered –

Rick – at what period do you make it a responsibility of the water/sewer commission so the IDC can work on filling the park?

Andy – wherever it can fall apart or drop, then get it beyond that point

Bill – we would be ecstatic to turn it over and get to marketing

Dennis – what do you have to do to start construction in 6 months?

Bill – get money - \$2.1 million short

Dennis – the only way to do that is to get more debt exclusions

Bill – relative to the town funding the whole thing – our debt exclusion was dependent on getting outside funds –

Gino – 2.2 and we need about another 2.1 – the MORE jobs program sounds like it is worth a shot – they were supposed to accept applications in November, but dropped it to wait for

Rich – without that money, we don't get sewer and then no prospects

Bill – we have presented the dif plan and taken it to the state and it was approved – all we would have to do to pursue that route is to - incremental revenue would have to be targeted

Dennis – window?

Bill- 6 months to take the DIF and get it fully approved,

Gino – that depends on getting the commitments from the developers, has to be secured by commitments from a certain % of development – we have letters of intent. .

Gino – part of the earlier question, - I did the calcs a year or so ago – it would take 17 cents on the tax rate to fund it –

Dennis – can you prove a revenue stream that would pay that off over 5-7 years?

Bill – individual parcels of land that are owned, unless a property owner agrees to do something, we won't have the revenue stream coming in

Chan – this is why we should be meeting together

Glenn – I drove Franco around - our park is so much easier to get to than Milford – I believe this is a no brainer, that park would be developed if people know it was there – we have applied for the jobs MORE grant – Cybex is committing that if we get sewer and they put in their addition, and they would add 100 people –

Andy – the 150,000 can be used to support rapid permitting – if we can guarantee 180 day turnaround

Kellie – my husbands company is – glen Ellen country club – Millis was very responsive to making a change – got everybody together – got the property rezoned – I don't see that happening in Medway Planning Board

Glenn – in the past the BOS fought with the PB – IDC was ignored – now the BOS is receptive – the PB is very business focused -

Karyl – this town wasn't competent in the past –

Andy – going forward, it seems like the best things we can do is run on some tracks –

1. identify the uses and the master plan for the west side industrial park
2. same thing for the east side industrial park – gives an opportunity to expand businesses and develop revenue
3. Look at other changes of uses and what shortages we have and what vision we might see using your professional skills – what is Medway – what could Medway be? And look at mechanism to make changes in the zoning bylaw –

Kellie – when Rick and I talk, we are usually on the same page, when we talk about what the east side should look like - we know what should be going in there

Glen – what will sell there?

Dennis – this is all about bringing revenue into the town – Medway is 90% residential – how do we stack up compared to Bellingham and Franklin? Do we know?

Gino – Franklin and Bellingham are close to 80-20%

Dennis – we have to get out to the people in the town that 90% of the town is residential based – you go to get into the paper, and on TV and start planning for the future

Glenn – look at Bellingham, where you didn't want to be – how that is changed . . .

Bill – why don't we divvy up responsibilities?

John – I don't know if I want the intersection of 495 and route 109 to work

Glenn – all that development is at the edge of town – we get the benefit with minimal impact

Kellie – it will adversely affect that property on Milford 109 side

John – can we put

Chan- should be talking about this more often

Bob – we need to look at some zoning modifications – do our homework – so the next time we get together – we can match up nicely with what kind of overlays or site plan

Andy – IDC meets once a month – would it be possible to do every other week

Kellie – for a finite time

Andy – to get ready for town meeting – to show the community we have aggressively focused on these issues –

John – the question that the selectmen are asking us – how hard would it be to put together on a spreadsheet?

Kellie – Gino has that

Gino – the engineering firm is going to update the estimates

John – obstacle on a master plan – funding limitations?

Bill – if you want us to come back with the vision in words and writing –

Andy – articulate to us that medical wouldn't work on the 495 park –

Dave – medical has to be on sewer, simply because of toxic materials – you will probably see MRI, CT materials coming into medical areas – where do you want that? I can lay all that stuff for you – I have been working for the m medical year for more than 40 years, I spend a lot of time with venture capitalists and angels – I do a lot of digging and pass along leads to Kellie and Rick – most of my clients are working out of their houses, waiting for the FDA to approve and then they have to move fairly quick and they have to start to building – can be 3-5 years

Andy – so you can help overlay

Bill – you would like us to come back to you with –our vision concept

Andy – both sides of town – also where would medical uses work? So we can go to the next step to pursue

And do another joint meeting – maybe 3 weeks

ANR Plan – 59 Fisher Street

Motion by Karyl, seconded by bob to sign ANR plan for 59 Fisher Street – board signed – one lot being divided into 2 lots with one parcel

Invoices

VHB – plan review – 4586 – bob, john – all yes

BBM – 2265 – john, bob – all yes – legal for Marian

VHB – CO – 9034.96 – bob, john – all yes –

Susy - 5 weeks to meet again with IDC? That would be Feb 20.

River Bend

Eric Alexander arrives

Mark Bobrowski is here

Rich Cornetta

Lee bloom

John spank

Rich Cornetta – we submitted a few items to update plans per VHB’s last memo – we meet all the requirements – we shrunk the conservation space area b it to get some of the drainage structures out of the conservation area – ConCom agreed with that approach – it changed one or two calculations

Karyl – how much did it shrink it by?

John – I don’t know that number off the top of my head. – The better part of an acre or so. . . Same uses, it just isn’t

Karyl – does it effect any stormwater, any plantings – no modifications to any roadways

Andy – just a line change

John – precisely. .

Andy – doesn’t effect the calculations for open space

Paul – I reviewed the plan as submitted – he separated out what was shown on the subdivision plan – he has a separate conservation restriction plan which shows the detailed bounds for the CR –

John – we broke out the easements -

Paul – you might want a place for the board to sign the restriction plan

John – this will now be an attachment to the conservation restriction agreement -

Andy – one of the things that was of concern when we last met was that this technique of drainage is somewhat new and often times we have residents that will come before us after you have sold it off and left – the new residents and the condo association will approach the town to accept the streets and drainage system as public – future board may not have insight – is it possible that we could have some type of language in this decision that would possibly absolve the town of the uniqueness of the drainage system or at least recognize it that we are not going to be liable before it works - we want to recognize the difference – we want to be sure

Eric – statement of intent

Mark – that is no problem – I can come up with something . . .

Andy – we want to protect the town from the future residents

Mark – I would expect that town meeting wouldn't

Mark – one of the things is that the homeowners' docs come to you for review – you can put in that those docs that this shall be included in those

Bob – we did just recently have a group come in –

Karyl – we are very concerned about the success

Lee – whatever language

Mark – we say – you will build the system, you will turn it over to the homeowners association – you want to have the town be able to come in and fix it and we can lien it – that gets it to where – that needs to go into the homeowners association

Construction Observation issues

Susy – Some board members wanted to revisit the CO issue, whether you will require CO services by VHB?

Bob – will you be doing this under construction control system? Your engineer would come out with affidavits and as-builts

Lee – absolutely

John – I am uncomfortable with not having VHB involved in some fashion – but if Bob is comfortable with it, I am – maybe there are some key points

Mark – there is a provision for the controlled construction component of the building code that the building inspector can engage

Bob – under the normal way we do business, would Dave D'Amico be going out to inspect

Andy – no we have VHB inspector do that

Lee Bloom – different municipalities – do it differently – if during site work , a reasonable schedule to come out – VHB – I really don't have a problem with that if you feel more comfortable

Mark – I would recommend you always set up an escrow

Paul – this is a little different – private development – also a very large project as well –

Andy – environmentally sensitive area and new technique for stormwater – I think there is some questions/interest in this and we want this to be successful but also to make sure it is done right – all of us are intrigued by the method

Lee – John Spink will be doing construction administration –

Paul – you have to do it according to your regs or don't do it at all –

Karyl – they are observing private subdivisions now – on a private road

Andy – checking compliance with the plan

Paul – if we are going to do it, it would be in accordance with the regs

Bob – if you have a registered engineering putting his stamp on it and saying it was done – it is a question, is there an advantage to having another set of eyes look at it – unless you are watching every bucketful go in, you can be cheated – I have seen it numerous times when I dug up something that somebody else installed

Eric – as a funder in my day to day life, I want somebody looking over their shoulder – if there is a PE with their name on it , I am comfortable with that – I will defer to that

Mark – separate those aspects of controlled construction from the site

Susy – building inspector only looks at structures and not infrastructure

Susy – this is a policy matter – prior boards have determined that private developments will be inspected –

Eric – I move we proceed with construction observation thru our consultant per the subdivision rules and regs – john seconded

Chan – what are we doing differently?

Eric – the intent is to be consistent with what we have doing in term of inspecting private way subdivisions –

Andy – if we want to change to a different method, we should discuss in a broader way with care that it needs and not try to make a policy change with the appearance that it is being done for a particular developer

Chan – I am missing appoint here – I don't see where it is different

Bob – we have been doing construction inspection on private ways -

Andy – Eric is suggesting that we stay consistent and don't change now

Bob – I wouldn't be opposed to that – believe me I push consistently all the time whether you are right or wrong – I have been on both sides

Bob – if we have consistently, we follow our normal protocols –

All yes – Karyl – recuse - approved by Andy, Eric and John . . . Chan abstains from voting

Andy – as far as the legal stuff, are we sufficiently down the road with the permit decisions?

Mark Bobrowski – conditions #2 on page 14 – reference to ARCPUD plans

C11 – C15 – to be recorded with the special permit document

C11 – site layout plans

C12 -

John – the subdivision plan with the property lines goes to record

Paul – add a place for the board to sign on the conservation restriction plan and be added to the set

Mark – subdivision plan to be recorded needs to have more

John – normally the front part of the big plan set (52 pages) – would be the normal subdivision plan

Mark – the subdivision decision should refer to the special permit – and the special permit should refer to the subdivision

Mark – a few items I will work with Susy on . . . stormwater management lien issues

Mark – in the definitive plan decision, there are a few changes – Rich Cornetta – there is some stuff in the definitive decision that should be in here – triggering mechanism – build it in 3 years and . . . we will forward

Keep them both up in the air

Mark – I understand the ConCom is done –

John – ConCom is writing the order of conditions – couple of weeks

Rich – we have a few housekeeping details

Rich – the next time we come together there should be 2 documents to finalize –

Motion to extend of 2-20 – Karyl, John – all yes –

Lee – thanks

Andy – when do you expect to start?

Lee – depends on whether our lender changes our presale requirements – spring –

Lee – we budget about 1 sale a month right now – probably a 3 year process – will use community building as sales office

Walnut Grove – new name for River Bend

9:40 pm – Eric leaves

Mark – will not attend the 1-23-07 PB mug on Medway Gardens – I don't have any iota of difference -

Karyl – we want to deal with the zoning issue – called out right now - deal with it now

Mark – I will send Adam costars to do the Marian thing next week – I will call Bill Proia re: next week's PB hearing

ANR Plan – 97 Holliston Street –

Gino – plan is Ok as revised

Motion to approve – Karyl, john – all yes

AZZ Site Plan -

The Board signed the AZZ site plan

Motion to adjourn

Meeting was adjourned at 10:30 pm

January 23, 2007 PB Meeting

PRESENT: Andy Rodenhiser; Chan Rogers; John Schroeder; Karyl Spiller-Walsh; Bob Tucker

ALSO PRESENT: Gino Carlucci, PGC Associates; Susan Affleck-Childs, Planning Board assistant

Call to order at 7:05 pm

Informal Discussion – Possible 2 lot subdivision Lovering Street

Wayne Carlson - take a minute to refresh your memory

2004 you folks signed an ANR dividing up a bunch of property left over from a family estate – some of the land has been deeded out to the heirs – Amy and William Fletcher – they would like to build on a new lot A – there was not enough frontage – back and forth to ZBA – last time, we drew in a small cul de sac idea – we went back to the drawing board –

I put in a small cul de sac – it does provide frontage for two lots – one new lot and the existing lot which is now nonconforming – we are requesting that the board take a quick look at it

The only new construction would be one house – to keep cost down, waive the road design and waive the construction of the road – there is already a driveway in there now – there is more than adequate room to bring in a fire truck – we want your input – that will

Karyl – what do you have approved to this point? What did we approve before?

Wayne e- just a discussion – with ideas –

Andy – there is one building in the roadway layout

Andy – whose building is it now?

Owned by Theodore Johnson

Wayne – whoever owns the private way would own the building

Karyl – what about turning it more to the left

Wayne- wouldn't meet the requirements for radii

Barn/garage is being leased out

Wayne – not enough room to put it in and have enough setback to the barn

John – I have a real problem agreeing with a paper road that can't be built – I don't want to set that precedent –

Andy – that has been the policy

Bob – how large is that barn?

Wayne – 50 b y 60 substantial –

Wayne – would board consider a road without the bulb at the end?

Andy – what about moving it over toward the wetlands

Andy – how does the board feel about waiving the design of the road?

Karyl – I would consider that once I knew it could be built

Andy – wouldn't it be similar to creating it and having a building in front of it

Karyl – how can it be a right of way with a building in it –

Susy – you can't approve

Wayne – make it a condition that the building would have to come down if the road is constructed

Gino – in the case of a larger subdivision with that provision, you wouldn't release the lots until the barn would be down

Andy – the barn is owned by the owner of the future lot b

Karyl – you could build an in-law apartment- forget the whole plan of a separate lot and house

Andy – they want to build s single family home

Wayne – there is 9 acres

Andy – if you can come up with an alternative design, avoid the barn somehow and swing it up

Wayne – 25 feet away from the wetlands

Andy – OK to do a 40 ft ROW

Andy – you have to prove that it can be built

Andy – how does the board feel about waiving the actual construction?

Karyl – it needs to be on paper that there is a permanent roadway layout with correct setbacks – we can't make it nonconforming –

Wayne - would board allow me to square off the ROW?

Bob – I don't see a big problem with doing that

ROW would be squared off but the curbing would have to be rounded

Chan – the new frontage would make lot B conforming but it would not be used for access

Susy – don't completely waive construction of the roadway

Karyl – there have been plenty of situations where people have moved buildings – I should think it would behoove you to try to do

Wayne e- if I can go to 40 feet for the ROW and cut down the radius -

Chan – reducing the geometry is a better approach than leaving the barn right in the middle of the ROW

Wayne –

CVS Pharmacy site plan modification

Continue to February 13, 2007 at 8:15 pm

ANR for 10 Coffee Street

Gino – I reviewed a preliminary on this earlier – noted one correction – which has been remedied – OK to sign

Wayne - estate of Bruno fontenella – existing farm house at 10 coffee street – just divided lot into two buildable lots – to sell off

Susy – BOB Speroni is OK with this. he reviewed it

Motion to approve the ANR plan for 10 Coffee Street – Karyl – Bob – all yes –

Board signed Mylar and paper copies of the plan

Applegate Endorsement –

Susy – not recommend endorsement yet – quite a checklist –

FY 08 budget

Andy – we have to level from the BOS – there are some contractual raises that have to be accommodated, reduce our consulting funds accordingly –

Susy – asked to now include an employee benefit

For fy08 - *18,243 the increase is \$2007

They are going to provide funds equal to this year's benefit amount, but incremental costs will have to be absorbed – as those costs increase, we may have to decrease salary expenses or consultative services

Bob – I would still like to see – see committed costs –

Andy – Gino, how are we doing on some of the activities you are working on? 43D application package

Gino – the other ones are coming along – PDF grant and smart growth grant – are we inline on our billings with you in terms – we aren't going to see any big increases –

John – I do think we are not making progress as a result of these cutbacks – I think progress would pay for itself in the long and short run – we should look at ways to change the structure and amount of funds that come into town – the way we do that

Andy – are we working to our capacity as a board?

John – yes, it is changing – we are getting more efficient at handling the applications which should free up time to plan and look forward – I have seen progress – expertise of our consultants has resulted in some quantum leaps and momentum - looking far ahead
The impact statement shows that that will be hindered

Chan – I thought the govt study committee agreed with us that the more we could move around to make progress in planning – we aren't doing as much as we could or would like to do – Susy having some clerical help so she can spend time on professional assignments – making those kinds of tradeoffs would save money – also helps us be more effective –

Andy – Susy, do you think we could take these comments and craft an impact statement that you could email out – and agree to . . . finalize that at next week's meeting

Bob – one of the things – we do handle a fair amount of money that goes out to consultants –

Susy - would you like to see some reporting on that?

Bob – yes – if they are watching us, they here us vote on paying invoices – where does that money come from? We understand that a majority of that is funded by the developer – we need to capture that – we are managing a larger funding program – we are making some improvements – I still see us as being very reactionary – we have to work ourselves out of that approach slowly as we get better on each project – each application will give us an opportunity to improve –

Andy –interesting the opportunity that each type of application comes in – we develop a better process –

Bob =- plan the work and work the plan. . reap the benefits s

Bob – I would love to see captured here somehow – some of the grants that we are able to bring in – Let’s blow our horn a little bit . . . there is some substantial grant money we have been able to attain

John – I don’t want the understanding created that we have a lot of grant money and that developer’s money/fees are going toward that work –

Bob – consulting services is broken out into two parts – grant work and as another subset of consulting services those activities that we are dealing with projects

Bob – we need to take some credit for that and pat ourselves on the back – blow our horns a bit more

Andy – how did we leverage those funds?

Chan – impact statement should be a remarks column – grants are won in competition

Karyl – the size of the project that we have been concurrently managing – a lot of board time spent on massive projects

Andy – motion on the actual numbers of the proposed FY 08 – bob motion to accept the budget proposal as presented – Karyl – all yes . . .

Andy – leverage

Andy – we will continue the discussion on the impact statement part – Susy – to rework the impact sheet to distribute ahead of time . . .

OTHER BUSINESS

Correspondence

1. 405/Metro West Corridor Partnership/UMass project

Andy – Town belongs to the 495 Partnership – regional planning council – there is a graduate student program through UMass – they are seeking towns – the BOS is interested in having us pursue this project – dealing with housing and density – free planning work – Susy had a conversation with the folks that are running the program – we need to submit a statement of interest and it was encouraged by the BOS

2 sites – Oak Grove postage stamp area and Cassidy Farm

Distributed a draft Statement of Interest.

Everybody OK

2. Handout on use of Town Counsel - memo from Jim Galligan – all contacts to be coordinated through the TA office

NOTE - Eric Alexander arrives 8:10 pm

Invoices

\$72.18 – WB Mason for PB share of first floor fax machine – john seconded by Bob – all yes – office equipment – general fund

General Fund - Consulting Services - \$600 for PGC Associates – from the general fund – for OSRD rules and regs and for contractual – motion Karyl, sec by Bob – all yes

Do the rest later

PH continuation on Betania II - Marian community ARCPUD

8:15 pm

Jay Tellerman from Blatman, Bobrowski and Mead

Andy – thank you for putting together the nice list –

Bill Proia – go through recap last time – this is the same as you saw, se have put it on CAD to scale – same elements – last time think it is fair to say that the board was supportive of going forward – we got to the point that the elements we proposed the board felt generally favorable to move forward – there were a couple of issues that the board wanted more detail on – we are back here to go over these items – checklist system – we haven't submitted

Two issues I want to address tonight – is the bridge – the board wanted to see more detail – architectural elements of the bridge and to get an idea of how the culvert system would work – we are looking north – stone piers on bridge – guardrail – again the important thing the culverts and how it would work – this is how we envision how it would look – architectural lanterns on the columns at the end match the lanterns at the entrance on summer street – as storm events occur, water will overflow the channel and flow thru the culverts and back underneath – never topping the road – this is the entrance in an out to the project – we wanted to show you what we were thinking we want to get some positive direction – give us some idea of what you think –

Chan – give us a scale – what is the span of the pedestrian bridge vs. the roadway bridge?

Bill Drexel – span of pedestrian bridge – about 25 feet or so across chicken brook – stairs to connect back to footpath - entire length is about 40 feet

Bill Drexel – the concrete bridge is about 30 feet long that goes over chicken brook – the rest of the structure is about 140 feet of culverts

Chan – the main span is

Karyl – the entire length from pediment to pediment

Bill – 175 feet

Andy – space between bottom of bridge and land

Bill Drexel – about 2.5 feet – openings will be all in a line – the weir is on the other side

Bill – we regulated the height of the weirs in front of each culvert to keep it from releasing more water under the bridge than what is going through there now – to maintain flood plain

Paul – I am not really sure what they are proposing I haven't seen any engineered drawings

Bill Proia – we just want to get some feedback – is this viable, we know we have to duplicate the characteristics and we have Paul's comments from before and we have taken all those to heart

Karyl – design does follow function – at this stage, I do appreciate the articulation and nice rendering and scale and materials – I think that helps to clear things up

Bill Proia – designed for the 100 year event

Paul – what is clearance over the weir on the upstream side?

Bill Drexel – about 1.5 feet – that will vary a few 10ths of a foot

Paul – a minimum of what?

Bill Drexel – we allowed for at least one foot on the upper end and it will increase a bit as you get closer to Chicken Brook

Andy – is there a bottom to that culvert?

Bill Drexel – yes. . concerned about maintaining – it will have a structural bottom on that

Chan – you are proposing this as a private street, not a public way – and the association will be responsible for maintenance – that will be yours to deal with –

Andy – needs to be shown in your maintenance plan – we want to design it so as little obstruction gets in there

John – I was concerned about the small space in the culverts – you said it is 2.5 feet

Bill Drexel – 2.5 feet but between top of weir and top of culvert on the northerly side it will be less than that – the only thing we have discussed amongst ourselves as far as design is concerned, the water is very shallow there – as far as something floating in there, the problem would be more with something falling down in front of it rather than something floating thru

Bob – I would expect any of the cleaning is going to be build up

Bill Drexel – on the northerly side

Chan – I am all set –

Karyl – at this point, what were your thoughts?

Bill Proia – there is a fence

Bill Drexel – black vinyl clad chain link fence

Karyl – we would recommend against chain link fence – we have decided collectively that there are many other fences to be used – mostly wrought iron look to it – not what we want to see – why couldn't it just be a concrete wall with stone veneer?

Bill – just the expense of that?

Karyl – do you know really how much that difference would be?

Bill- I don't have the answer

Bill – we just took a look

Bill Drexel – originally we hadn't proposed a fence, it was recommended that we put a fence in there –

Bill Proia – we here the aversion to the chain link fence – we will come up with something –

Karyl – the DRC has voiced to you on many occasions that our first consideration be a concrete wall with stone facing – you have a baby step going on there –

Bill Proia – we will take a look at that

Chan – need a guardrail type –

Aterial of guardrail –

Bill Proia – stell

Paul – it has to be designed for traffic hitting it – concrete with rebar

Bill Drexel – we have to have a fence that is behind the guardrail –

Andy – needs a stone facing on it on both sides –

Eric – I would think it wouldn't be as big a concern on the north face

Bill Proia – we know we have to design for safety purposes –

Bob – you need to look at your options – you are going in the right direction

Bill Proia – I wanted to bring up the design review folks again – on the architectural unit design – we have a color board we want to shown – I think we are set with that with the design and color choices – does the board want us to go back to the DRC on the bridge aesthetics

Karyl – the last conversation about the bridge was jersey barriers

Andy – this is a big movement – it would behoove you to visit with the DRC on the design

Andy – were you able to get with the board of health

Bill – I will get to that

Bill – last time, we showed the open space plan – you were questioning how the open space would work in connection with other open space – overhead photo with colored in area of the developed area –

Andy – where are the ANR LOTS?

Andy – where is the other land that is not part of the ARCPUD – lot #3?

Bill Proia – pointed out those areas

Karyl – the open space that is being proposed is a fractured – it follows the brook, river anyway, - it is not like such an acquisition of open space or something that would really be – most of it would be left over anyway

Andy – it is in compliance

Bill- yes – the bylaw does say to the extent feasible for it to be contiguous – remind the board of the public access easement

Eric – I hear where Karyl is coming from – they are limited where they can build because of the topography – in certain circumstances compliance is all we can get – ii would prefer to see ore than compliance but I don't think this parcel is very amendable to that unfortunately – I do think this is very helpful presentation

Karyl – I think the arcpud project cold afford to be more generous with the open space e- great interest for more of a buffer zones and lands near the soccer fields – I think they could be more generous – a clearer, larger connection of open space lands to the town lands

Eric – we are dancing around the parcel 3 lands and we will be on the same page

Andy – we all know at some point that will be a future issue

Bill – the only part of lot 3 we would be looking at developing is a small portion – that land near the ball fields would be buffer area – it would be a very modest development – special permit

Bill – so the point here is – we want to proceed with this general layout to get to engineering for the next step

Andy – BOH was an important thing to us

Rich Coppa – we met with them on December 11, 2006 – they did have some requests to do a few more test holes in leeching fields – they had some questions on total draw and mounding

tests, recharge – in the end I asked them if there was anything that would hold up the project – they said NO – when we are thru with the engineering plans for VHB, we will submit to BOH

Andy – when septic plans

Rich Coppa – a couple of weeks,

Paul – submit the plans to the BOH but show the septic systems on the plans

Rich Coppa – we explained we are using the presby system – they said there were no show stoppers

Bill – The NOI is being prepared to file with Concom – we will have that in to them in a week or so

Andy – did you get with the tree warden?

Rich – preliminary mtg – we will mark those trees – that will happen before we come back

Andy – how about alighting plan

Bill – all the drawings that we listed in the checklist will be included in the next submittal –

Andy – is it even worth looking at Paul's comments

Bill – I also wanted to show you colors

Karyl – I want to revisit the open space issue again – before we let go of this one, I would like a discussion with the attorneys about going back into the land that is not part of the arcpud parcel as mitigation for this project – the access would be a big issue – catch 22 – their reason for excluding that is – is it off the table or in fact could this property be a real mitigating factor

Jay – this is the negotiating process that unfolds before you – the applicant may not be willing to part – they should be willing to discuss – it is all discretionary – and the next permit for the next site is discretionary as well – they don't want to shoot themselves in the foot now – I think it is always my preference is to be as candid as possible – say it directly

Karyl – my point is to the board – be very careful in agreeing to take it off the table – we can continue to negotiate for that – there is no reason

Jay – you can't demand it, but it is certainly a topic that will resonate throughout the hearing – I think they are suggesting there are other open space benefits to connect other

Bill – happy to talk about it

Andy – that being said, since it is not part of this application are we remiss in our responsibilities, if we do talk about, it is part of the negotiation and mitigation?

Jay – one scenario – is they could donate the parcel – you have a lot of discretion in your bylaw. These other items get you to yes

Andy – they have been candid that they intend to build houses there and access it through the arcpud d

Jay – not without the PB

Andy – Bill has said this additional open space that would be part of the future plan is all future and not part of the plan

Bill Proia – I want to remind you of what has happened – we had it as part of the open space but not part of the ARCPUD – we have always said we want to provide some housing for those folks – we can't give this away we have an obligation to offer people under 55 something – that hasn't changed for us – if some open space elsewhere would matter, we could consider it – we understand the board will have its discretion in the future – it is 7 units

Karyl – let's go back and color it a little bit more – a lot of that was in wetlands, then discussions about garden, pavilion –

Bill – that is negotiable

Andy – sounds like the attorney says we can negotiate that – that open space that is being promised for a future application – can we include it in the arcpud

Bill – no

Andy – but could you grant a conservation restriction on part of it

Eric – what would that do when they come in the future with an OSRD?

Andy – we would have to stipulate

Jay – if they have the requisite amount of land here, they have satisfied the threshold requirement – all else is discretionary – to that extent this open space has nothing to do with the count, it just tips the scales – the same would be true of the next application – looking at quality of open space

Karyl – some reference to the aforesaid open space for possible future

Jay – the only thing you have before you is this one is candid conversation – if you can lock it up and get you over the hump – stay above the minimize

Bob – do you have anything that shows this other piece of property that you would be willing to share with us?

Karyl – if a future osrd goes in it will be a huge impact on Kimberly/Diane - it would be a huge gain if we could acquire

Andy – how about that 8.5 x 11 drawing that you showed us once before?

Bill – can I suggest something – we would happily give you that information

Bill – whatever happens to lot 3 in terms of open space, we would never change the housing composition – the ARCDPUD is as we show

Eric – thanks Karyl for being so persistent on this point – if we can approach this in a constructive manner, it behooves us to do that . . .

Memo from the Safety Officer Jeff Watson re: attach and make apart of the record - memo re: signage – needs one more sign to be added

Bill- in our updated plan, we will address his comments

Karyl – any discussion on sidewalk funds? An

Andy – no, haven't talked about mitigation, senior citizen stuff

Bill – is the board going to continue to work thru a checklist

Andy – there is no reason to hold off

Bill –hit the checklist and

Andy – you can start doing maintenance plans and condo docs,

Bill – we want to make sure the footprint is in place

Andy – I think

Bill – I do have a draft conservation restriction. Maybe we should wait a bit

Karyl – I think we should flop a few things on the table

Andy – maybe the draft conservation restriction could be modified to reflect what we talked about tonight

Bill – color palette – New England – we have a key here with which units will be which – this is what we had presented to he DRC – we had our architect do this –

Andy – at our next meeting we will endeavor to review a revised CR based on tonight's conversation, the mitigation for senior center,

Bill- our hope was to look at a schedule of hearings to get on for Feb 27 – we can get stuff in for 3 week turnaround by VHB – revise based on Paul's comments from before

Continue to February 27 at 8:30 pm

*****8

NOYR - Reprogram back door to stay open on our meeting nights – until 10:30 pm

Continue public hearing for Drake Petroleum on the Medway Gardens extra Mart site

9:18 pm –plan

Andy – This is Barbara Saint Andre, our new town counsel

Conrad Decker, Drake Petroleum
John Vignonne, attorney for the Avellinos

Andy – I guess 0 we are here to continue the public hearing – we see some options – you had asked us to consider whether or not we would consider the zoning enforcement officer's opinion as being the basis for going forward – we had asked our town counsel to give us an opinion – The applicant has asked us to present anything new

Conrad – I understand we have an issue here – we have a problem – I thought it would be beneficial to provide a brief history chronology – so we all understand where we are

Andy – I want to try to provide a fair hearing

Conrad Decker – drake petroleum m- Avellino family – and their attorney
We were here two weeks ago, it was opened and continued to tonight – the drake group and Avellino s prepared plans and paid fees – started the PH – at that time, it was suggested that the PB would lay out a schedule for topics – because there were issues raised by the town staff and attorneys were contrary to the zeo – we felt it was an issue of the use to be discussed more and to address the conflicts – the towns interpretation at this late stage is very problematic – certain representations were made by town staff that were relied upon by the applicant in their applications – we are close to \$80,000 in soft costs – legal, traffic – Avellinos have 25,000 invested as well based

Andy – who represented the Avellinos during that time?

Conrad – we have had several meetings with town staff and PNB and DRC going back to march of last year – certain representations were made that we based on decision to go ahead – you just don't get this far and put the money in without having direction

Fall 2005 – this property was presented to Drake – a lease was put together e- part of the due diligence process – you do your zoning research – we did the research to make sure the proposed use we were looking at – verbal representations were made by the ZEO – we came to this board on 3-14-06 and discussed the scope of work we were prosing –

Andy – you have copies of those minutes

Conrad – discussed at length – size, scope of the property – Susy had asked the ZEO to provide a written interpretation – request by matt Hayes, the letter was dated 2/3/06 – he felt they were by right uses – retail sale of gasoline

Andy – didn't some of the board question that

Conrad – yes, I asked the board if you were going to challenge it until the issue of the interpretation is resolved

Karyl – how can you make a formal challenge before there is an application?

Andy – I remember all of us being befuddled by the interpretation – it was clear to us that it was not an allowed use – it was bob ‘s interpretation – we had discussed amongst ourselves that we weren’t sure what to do

Conrad – there was discussion about this whole question – what are we going to do about this – if there is an issue of a challenge, we asked if it could be resolved - we are trying to assess how did we get this far on certain representations – in the march 14 meeting – we were here collectively,

Andy – if I remember, you said you felt is was very defensible

Conrad – the first day I met the ZEO, we had discussions – he gave us a verbal and then a written – he advised us to have an informal with the PB

Conrad – interpretation is made, we get on the agenda march 14th – highlight some of the comments from the meeting notes

Andy – you chose to not put in the application until November

Conrad – you asked us to meet with the DRC to develop a more refined plan so when you do make your formal application

Andy – knowing full well it would have been a concurrent use of time

Conrad - we were advised to continue to revise plans prior to coming in – that made sense

We go to the DRC on 3/27 – discussion on scope and size – Avellinos greenhouse – height, scale, architecture – canopy, gas pumps – we go back to the drawing board – we come back to the PB on 5/9 – are we going in the right direction -0 we have not committed to a lot of engineering g- do we have a plan that has some semblance of making it here – we want to make sure we have some form of understanding before we got too deep

John -0 you understood that there was a still a quoin

Karyl – and at DRC, the use question came up

Conrad – we want to make sure this works – if it isn’t going to work, we aren’t going to bother

Conrad – yes there are questions about challenges and scope – go to the DRC and see if you can come to some accommodations – we made a lot of changes as we go along – if you are going to challenge it, then let us know

Conrad – as the discussion goes on relative to architecture, plans and scope, were weren’t going to commit to anything until we were sure we were going down the right path

On may 9th – we come back to the PB to give you an idea – positive feedback – still concerns expressed about the size of the canopy – we went on to 5 different DRC meetings

Andy – I think it is important to note that the underlining question – we didn't have

Andy – you had made your own decision to accept the ZEO's interpretation

Conrad – we were told to continue on to work with the DRC

Barbara – let him do his presentation

Conrad – 5/9 – feedback on design

Conrad – go back to DRC 6/5, 7/ – we file the application in November –

December 5 minutes after the submittal of the application – reads sections . . . minutes -

Conrad – it was obvious that you were struggling on this

Dec 12 meeting –

Andy- are these approved minutes

Susy – no, these are my rough notes

Andy – we discussed these on December 5 in terms of the fee structure

Conrad – we were encouraged to go through a preliminary process – the problem is when the interpretations that were made - if you had just said this isn't going to work –

Andy – I think we were clear that we didn't know

Conrad – dec 12 minutes – if an applicant comes before the town and trying to invest in the town and trying to make a positive improvement in the town – here is a qualified applicant – we are going to invest 2.4 million plus \$900,000 by the Avellinos

Andy – the zoning is the problem –

Conrad – you should have told us that in March –

Conrad – it seems ironic, we went through the process – 2 meetings with the PB and 5 with the DRC – yes, we understood that you wanted a smaller scale and now that you haven't got what you wanted – those notes

Andy – that was what was explained to us as being what the process was – that was how it was presented –

John vignone – attorney for Avellino family – I have a letter – I have provided to Town counsel – the first part of the letter – summary of what I have heard – is there anything new to discuss

John V – we contend it is a retail use under the zoning bylaw – and then there is an auto service station – there is a conflict or an ambiguity – a auto service station has to do things – the retail store said the goods have to be stored inside – when there is an ambiguity, the benefit of the doubt goes to the applicant

Accessory use – is something that is customary for the use that is out there and also it is not primary use – going with customary, nowadays, every convenience store sells gas – the national association – convenience stores sell 80% of the gas in this country

John – is the company called Drake petroleum – I have difficulty calling this

John Vignonne – all convenience stores sell gas these days – each case on this goes go court – each judge looks at each case – everything is fact specific – OK you have a convenience store, is one pump accessory, how many are accessory? That could be the main question – what comprises the accessory use

Andy – couldn't it be argued that you have multiple primary uses?

John V – the primary use has to have an accessory use

Andy – what is the accessory use to the garden business?

Andy – is said isn't it possible to have multiple primary uses

John V – yes it is possible – you have to see what

Andy – who do you represent?

John V – Avellino

John – the final interpretation comes down to the Planning Board – whether that is correct is another question

You have your primary use, what is it?

Chan – is 5 pumps an accessory use?? I challenge that – it seems that 5 pumps would be a prime use and selling donuts would be a secondary use – it doesn't make sense to carry out the past discussion – I think this is site plan review – at that time

Conrad – is that a way to settle this matter?

Karyl – I find that offensive that you think we are pushing this issue on the zoning because the scale

Conrad – we have reduced this – kept changing and changing at the suggestion of the DRC – we tried a to get this thing to a scope that we could live with economically, scale that we thought the board could live with – there are 3 acres out there – you are allowed up to 30% building area – we tried to bring it to a scale – when we got to that point, we filed the application - you told us if we could get it down to scale, the PB would hold off on changing the zoning – as long as you could bring the scale down

Joe Avellino – two people at DRC told me if it was smaller, the zoning problem would go away. We didn't make it up.

Karyl – the real problem is that there was always a question about the allowed use.

Dan Hooper – I want a chance to respond

Conrad – I want to know if I went back to my management tomorrow and got this down to 4 pumps, smaller canopy and smaller store, would that work?

Andy – I would urge the board to be patient and wait until we hear from town counsel – Mr. Hooper please hold on

John Vignonne – do you make the determination as to what is accessory with pumps to convenience store?

Chan – if you put the thing to a vote, there may be a support for less number of pumps – that still

John – I disagree, not at this point,

John – unfortunately, since the application was put in, I am now under the understanding it is not an allowable use – even if I wanted it, it is not an allowable use – so we would need to go forward and amend the zoning bylaw and work together

Bob – as you just stated – we have only heard about half the story – I would like to hear

Karyl – we need to know historically what has happened for months – most of the board is stuck is on the issue – when we wrote the bylaw, there were discussions about whether we wanted gas station in Commercial V - but now today, with the pressures of the town, we are now willing to reconsider that this may not be a bad thing for the town and not for the Avellinos – we thought if they could modify the plan, we knew there was a hiccup with the bylaw on both – we are stuck in a quandary – our task is to decide how to move forward and to better the town and the Avellino family – what are our options - not to say to pull out the plug because the canopy isn't small enough – but the scale is wrong in my opinion and the DRC – but is the proposed use that isn't allowed something we would like to allow – is that a possibility? I think first we have to resolve the use

Andy – would you give us your pen

Barbara saint André – Petrini associates – you have heard from attorney Vignonne, opinion from mark Bobrowski and my opinion – let me tell you what you think – principal use issue – in your bylaw – it says if a use is not specifically allowed, it is not permitted – problem with Bob Speroni's interpretation – gasoline sales are not a resale use – in my opinion, I don't know if it is a retail use – if it is an automobile serviced station, it isn't allowed in this zone – for it to be an allowed principal use it has to be listed – the more fact oriented is whether this is an accessory use. You have a number of proposed uses – garden center on a separate lot, restaurant, convenience store and gasoline – what is the primary and accessory use - accessory use would probably be the retail use or restaurant use – perhaps the primary use is the gas pumps – that is a fact specific determination – is convenience store accessory to the gas station or is the gas station

accessory to the convenience store – depends on scale – this one probably falls in between – look at all the uses, is it a customary, incidental accessory use –

As attorney Vignonne stated, I couldn't find any particular case – court looks at how much area each use takes up, how much money would come in from each projected use

The only other issue is the drive thru – it was raised in your question to Bobrowski, the problem you have there – is the honey dew accessory to the retail – your bylaw allows for more than one primary use – frankly I don't know if the board feels it has enough info – is it a principal use, if not, is it allowed as an accessory use

If you do determine if it is not an allowed use, can you deny site plan approval – the only point of site plan approval is to regulate allowable uses – if it is a prohibited use, the PB can deny – you do have some language in your bylaw that allows you to disapprove – it doesn't make any sense to go through the process

Conrad – would you agree this should be resolved?

Barbara – you have asked to have that question resolved – if you want to go through the process, you can do it – I think it makes sense, let's look at this issue first, if that is what the board is going to rule on, there is not much point in talking about planters

Conrad – in this town, does the zoning enforcement officer make interpretations?

Barbara – I don't think I should answer that question – I am here to talk about this specific situation

John – accessory use has to be minor in significance – that is different than a secondary use

Andy- what we heard was that he had to have a certain amount of pumps due to traffic counts and marketing people said that was required – a significant investment

Chan – I challenge that, I haven't found anything that big –

Andy – you need to think about whether it is a primary or accessory use

Chan – if you have a site plan review and the PB approves it, that gives the applicant the right to proceed – now I am hearing that is not the case

I thought we could approve a plan and make it an accepted use – if we approve, it is still not accepted?

Barbara – approval of a site plan does not mean that it is a permitted use – the only thing that determines that is the zoning bylaw – there is a well established rule in Massachusetts that a town is never estopped from enforcing its zoning bylaw – references a case – even if you were to say you felt it was an allowed use

Andy – we heard it could be up to 6 years for enforcement,

Karyl – Mr. Bobrowski found the zoning enforcement officer's opinion to be erroneous and that the PB's decision on the zoning superseded

Andy – I think Bobrowski just found it to be different

Chan – I thought if we approved a site plan, I thought it was a fait d'accompli

Chan – I want to remind you that this board is different than when you first came before us – this board voted as individuals and have their own opinion and it is totally based on that – your reference that there was some collusion is offensive to me

Bob – I still have the same question – did I understand you to say when you were discussing primary an accessory – that if a

Barbara – your bylaw says that any use that is not specifically allowed is prohibited – however, customary accessory uses are allowed

Andy Avellino – are you

Barbara – what I am saying is if the board finds that this use is permitted - . . . the whole idea is that site plan review is about what is permitted?

Andy Avellino – you led us down this path – go out, put more money into the project, what recourse do we have as far as recouping our money if this thing gets shot down? We were led down the path – if you had just said to us in the first place, we had other tenants lined up – I had an Olive Garden - I easily could have done this – two years later – I am stuck between a rock and a hard place -

Dan Hooper, DRC, Naumkeag street – in terms of the sequence of events, let me go back a little bit more NOTE – Dan is a former PB member – Avellino family came in 3-4 years ago, had an exciting presentation for an expanded garden center – complete with drawings of the site and facility -0 very conceptual but very attractive to us as a town in the same vein as we are speaking of – let us encourage business – that is a very interesting corner and have done a nice job – focus was Keeping a country corner

Andy A – we have been here 30 years

Dan – I am in this business, I value what they bring to this town – the sequence of this thing was when it came in the second time, when they were ready, that is after we helped them rezone the district - we did that based on what was intended – we wrote that bylaw in such a way that we considered gas stations and drive thru but decided against them – we did the best we could in writing that with the assistance we had – knowing that we had covered the bases as far as what the uses should be – move forward to one year ago – presentation comes in informal as a gas station drive thru expanded garden center with the garden center not being primary – that was not at all what I had expected – plus the density in terms of pump counts and canopy was way out of scale. ZEOs interpretation differed from what I thought – the DRC saw them first last spring and then for perhaps 4-5 times. The 4th time, I was talking to Joe A., it could have been October, sequentially again, knowing that some very strong feelings still existed after multiple DRC meetings about the gas canopy – size and scale - none of us had a sense what the PB would do

I don't think it has been a waste time – at that time I said to Joe, after the meeting, after the meeting, I think if you dealt with the canopy and reduced it and maybe moved it to the back of site, I thought the zoning issue would go away – I said it cause I really believed it – I think that use could happen there if they did things to make it a lesser intensity – but I hadn't realized how the PB could jeopardize the town by approving a not allowed use.

Andy – could you bring up the subject of risk – what is the risk to the town if the use is in question?

Barbara – the risk is that if you approve the site plan, and it is not an allowed use, and it goes to the building inspector, then he issues a building p permit, then at that point, any person aggrieved could appeal that – the risk to the town is that there could be further appeals if the building permit is issued

Andy – is there a risk for precedent

Barbara – I think a town should be consistent in how it interest its zoning bylaw – you can't allow someone to have a cow on one lot and not on another – arbitrary and capricious

Andy – we will take a 2 minute break – 10:35 pm –

Paul Carter leaves at 10:37 pm

Joe Avellino – I had one question – this may be a solution – if you heard our site plan review and what ever we came up with, then changed the bylaw so that nobody could challenge it, could you do something like that?

Andy – changing the bylaw after you allow the use I don't know if that serves any purpose –

Barbara – if I am understanding assuming this is prohibited use, if the board were to go forward on the assumption that the bylaw would be changed, you would still be approving a site plan for a prohibited use,

Conrad – this horse is out of the barn, but fix the bylaw so there could be no more gas stations in the future without a special permit – if this continued on,

Andy – we can't bind the town meeting

Andy – I had talked to the Avellinos personally before the hearing started – and one of the concepts we discussed was to go through the public hearing process and then withdraw without prejudice and make the zoning change and then allow you to resubmit the application, waive the fees and start over – I think we would endeavor to help change to begin anew

Conrad – that does make sense, the only dilemma – if we were to withdraw without prejudice now, we would waive our rights to appeal

Andy – you have to evaluate risk all around –

Barbara – another way to approach this is to go through the hearing process and leave the hearing open until after the town meeting. . and if the town meeting votes the zoning change, then you know where it stands

Conrad – I can't imagine that we would continue this meeting and withdraw so to speak and wait for town meeting to occur – that would waive our rights – it is almost like we are better off leaving the application

John – we can leave it open until after town meeting

Andy – they can ask us for a denial, put on hold until after town meeting, or what is accessory or principal –

Andy – do we need to close the public hearing in order to do that?

Barbara – if they are satisfied with the information with the issue of use. Then the board should make a decision so they can do what they need to do. Close the public hearing before we vote on it

Andy – do you want us to close the public hearing?

Conrad - if they put it to a vote that the gas is accessory to retail

Andy – once we close the public hearing,

Chan – can we try the process of what is accessory vs. primary use – what got me in favor of this was the size of the green house and the garden products on that site – what really messed this up was the number of pumps – I really believe if gasoline can be proved as an accessory use to the garden business, it would fly. If you reduced the scale of the gasoline sales, it could be accessory to the garden products

Conrad – if that scale was brought down – we both have a problem –

Chan – we have a legitimate honest difference of opinion –

Conrad – I have been doing this for decades – I don't want any of us to go to court – I don't want to waive our rights.

John – there was an option offered to continue the public healing until after town meeting and you don't give up your right s

Barbara – if the applicant asks the board to take a vote – close the public hearing – if the board votes it is an allowed use, you can reopen the public hearing with the applicant's permission –

Dan Hooper – would you repeat that last option

Barbara – there is a process to reopen a public hearing after it is closed as long as the decision has not been filed with the town clerk

Dan – that doesn't have an end date or time line

Andy – closing the public hearing

Andy – we would have to renotify and publish to reopen the public hearing – and we could pick up in the same place as we left off

Joe Avellino – it seems to me if you would vote on this as an accessory use and would determine how many pumps would make it accessory, I don't think from what I heard, there would be anything wrong with doing that. I don't think anybody could hold you up with that

Conrad – if we withdrew or continued – now it becomes a special exception use, now it becomes a very discretionary option

Karyl – we always asked you, if we had to follow through – what is that magic number – you always said it was 6

Conrad – then 5 –

Karyl – somewhere I am sure for the people who are concerned about the country corner stuff – there is some kind of magic number of scale and presence – that would be appropriate for that corner

Andy – the discussion needs to be centered on site plan or special permit

Karyl – they are asking if we proceed are you going to just come back and bite us and make them to a tiny store and few pumps

Bob – is there a method for us to take a vote without closing the public hearing

Conrad – take a poll

Andy – to me, it is a primary use if the economic conditions determine the number of pumps – if you need 5 pumps to be the economic engine that drives the project, then that seems to me to be the primary use – I see the garden center as primary use – allowed – I would see the gasoline usage as not allowed – I am personally in favor of seeing the project go forward under the proper zoning – I would endeavor to put in effort to try to get town meeting to put in a zoning change to allow this as a special permit – I am not in favor of allowing something to go forward that is patently defective in its use – that sets a dangerous precedent – I have a lot of respect for the Avellinos – but we have a responsibility to the community and the town to do the right thing, regardless of particular instance where we could be accused of spot zoning – we cant approve something that is not allowed

Conrad – if we went down that path, to allow the special permit process, if I came back with a 4,000 square foot store and 6 islands, I would expect that would not be allowed

Barbara – I don't think you should poll the board based on a future possibility

Conrad – what scale could I anticipate?

Andy – I am comfortable with 4 pumps with a much smaller canopy – but that is not why I have a problem with this now – digest what I have said with the knowledge that is at your own risk

Andy – we were very careful with our thoughts and we took that at face value and we did our due diligence – we went through this feeling we had no other options – we now know differently – I am confident that we are being fair to your guys- in a public forum and fashion that provides you with everything you are entitled to

Andy – do Barbara' point about estoppel, the town has a right to correct

Andy – you told us that you felt you would win on appeal

John Vignonne – when would the town meeting be- warrant articles due?

Susy – mid June – no date set for warrant articles

Karyl – you would need to take something to people to show them at town meeting –

Andy – you can't go to the town meeting with a specific project in mind

Dan Hooper – at the annual town meeting, a zoning change would be proposed to town meeting, that zoning change would be specific to what is conceptualized – the specifics of the conceptualizing would play a large part in how the zone was defined and developed – somewhere between now and then and a draft of the zone change would be needed in late February – would have to be a very clear direction about what the town would like to see for usages there including perhaps limitations on canopy –

Andy – it would be a PB recommendation to the town meeting

Barbara – the property owner could petition town meeting, it could come from them

Conrad – amend the bylaw

Conrad – can we have 3 minutes?

Barbara – I don't think you should close the public hearing tonight

Barbara – you may want to ask for more input on their accessory use argument

Karyl – The issue of location of the gas pump on the site being the prime corner does aid to the premise that gas station is primary use

Chan – what do you look at – size of space or revenue generating capability of the use –

Conrad – We would like to ask for a two week continuance –

Susy – we next meet on February 13, that would be February 13

Public hearing – continue to February 13, 2007 at 7:15 pm

Motion by bob, seconded by Chan – all yes

Susy – we will also need a deadline extension, right now we are working with a February 18 deadline.

Extension of site plan approval deadline – to February 28th –
Motion by John, Chan – all yes

Bills

WB Mason – General fund - \$67.14 – Chan, Karyl – yes

Plan Review – PGC - \$131.25 – Karyl, Bob – all yes

Plan Review - Bobrowski - Karyl, Bob – all yes

Plan Review – VHB - \$5803.35 – Medway gardens, river end and Daniels – Karyl, Bob, -

Construction Observation - VHB \$1251.50 – Chan, Bob, - all yes - Karyl reclus

Motion to adjourn – all yes

11:20 pm

Respectfully submitted

Susan E. Affleck-Childs

January 30, 2007
PB Minutes

PRESENT: Bob Tucker; John Schroeder; Andy Rodenhiser; Karyl Spiller-Walsh;
Chan Rogers

Also present: Paul Carter; Susy Affleck-Childs, Adam Costas

Meeting called to order at 7:01 pm

Citizen comments – none

Andy – we will wait for Chan

Invoices

Plan Review – daniels village, marian, azz, xtra mart, fontanella ara – PGC – 450 –
motion by karyl, seconded by bob – all lyes Chan was not here

FY 08 Budget –

Andy – we met with Suzanne this afternoon and went over the budget – told her the
Financial Impact Statement was forthcoming . . .

Bob – any request to revise the budget

Andy – none, except that we will be adding in a line item for advertising for zoning
bylaw public hearings, rules and regs public hearings - transfer some \$ from BOS – will
review a history and come up with an amount

Andy – please review the revised financial impact statement – any comments

Motion to accept – karyl, bob – all yes

Eric arrives at 7:06 pm

River Bend ARCPUD and Definitive Subdivion Plan

Rich Cornetta, John Spink

Rich – we are still waiting for our principal . . .

Please HOLD

RFP for Engineering Services – new RFP to go out for a new 3 year contract

Susy – participation by DPS, concom, zba, boh and pb

John – why

Applegate Farm –

Wayne Vinton – letter received today re: fire alarm system – a fee of \$1,800 per alarm box – in lieu of – fee of \$3,600.

Susy – this is how this will be done here on forward – no sense to continue to install an outdated system – funds to be saved for future expense of new digital system – BOS has established a special account for this purpose

Susy – this is one of the last things we needed to get before endorsement - we can do that tonight later –

Email note to Suzanne Kennedy for town counsel assistance – re: how and when we can discuss - Suzanne authorized us to do so – susy forwarded to Barbara Saint Andre and will speak

Andy – Chan, did this capture

Andy – maybe she has some guidelines she has used in seminars or presentations she can email us – also, as part of their contract, they will be doing a training session for all boards on issues like this . . .

Susy – I will ask for a written response

Bob – what about Susy's email on Friday re: individual members speaking to applicants outside the public hearing

Andy – Need to report out those conversations at the next public hearing – so people can be apprised of the status of things – as long as when we come back to the public session, we explain -

Andy – the issue is whether an applicant can lobby individuals of the board to take their temperature – inparticular when legal action has been intimated – twon counsel urges us to be very cautious – so as to not agitate the situation any further

Chan – when I got that notice, I hadn't been aware – I thought I was the one person- I couldn't imagine they wanted to talk about the public hearing because that is off limits – so I surmised that they wanted to talk about the altneratives going ahead – at least I felt somebody should listen – not me - because I didn't know the applicant before the application came in – I feel we have an

Karyl – I don't know what he is talking about – has anything changed?

Bob – if you have a discussion with an applicant in between public hearings, then you should report that at a public hearing

Karyl – I am not sure I agree with that – I will call her to discuss this more . . . I think it would be very important for her to come in and give us a briefing on this matter

7:35 p.m. River Bend

Some discussion about street names . . .

Rich Cornetta – back before you and I believe with the help of Susy and Mark Bobrowski's office, we have reached a real substantive decision document – we would like to handout the affordable unit distribution – floor plan

Would also like to discuss phasing – Lee Bloom would like to address the board on construction phasing of the development

Handout – of map with areas divided – yellow is phase I – site work/road and drainage club house and the first part of 3 units on the right - the flats building is in phase 2/ site work and road and drainage/ and some of this could happen faster

3 phases – but predicated on sales

Karyl – is that a good idea? This is a one way road?

Bob – it would almost seem if you would want to rework this to fit into the

Lee – I will redo

Andy – the other concern is about the drainage – this may not be able to be segmented due to the drainage design

Bob – any runoff as you build it out in phases can't impact

Lee – I will speak with John Spink . . .

Andy – we need to have a discussion – how are we going to handle bonding?

Rich – under your subdivision regs, it seems to be that we are backing ourselves into a subdivision project – you handle that with a covenant and lot releases and a cash bond

This is 4.5 million in site work – to hold a developer to that kind of cash, we would propose providing a performance guarantee in the way of a surety – that would provide

you with more than adequate – and some phasing schedule we would seek release of some of the buildings

Rich – we may want to do the loop anyway in terms of construction vehicles in and out

Lee – I am sorry

Rich – your intentions are to create roads A and B and you would like to construct the clubhouse and the first triplex

Rich – I would see it as a partial release of the covenant -

Adam – it is a project here that is combining arcup standard with subdivision standard

Bob – why can't you treat it like a condo complex?

Rich – typically you don't have subdivision regs to deal with

Bob – looking at releases – CO for buildings and for basic infrastructure to service up to that point – I see it as seeing something we need input from Bob Speroni, also other input from others as to basic infrastructure

Lee – based on VHB's inspection schedule, you should have plenty of input –

Andy – you don't want to lock yourself into a situation . . . mechanism that maybe Adam could assist in writing a mechanism to allow for the release and construction and occupancy and dovetail with the phasing of the project

Rich – I think that does make sense – the way we see it working – at some point when the building permit are applied for and the CO – the master deed will be recorded creating the units – how do you release a covenant from the common area – it is a bit awkward – but maybe we can discuss that between us –

Adam - I don't know if there is something – but I can speak with Mark and see if there is something

Andy – I would encourage you to also include our building inspector

Chan – since there is no street acceptance, your sales will drive this –

Andy – is it safe to say that the board is willing to be flexible within the parameters of legality? We don't want to cripple you –

Susy – performance bond for the whole thing? And cash bonds

Lee – yes on performance bond . . .no cash bonds

Susy –

Eric – to be quite frank, I don't think it makes a material difference from the town's perspective

Rich- it is unthinkable to us that the project would not be completed – realistically, there is a difference between the subdivision when the town will own the road – it would be very unlikely you would want to go after the bond – their lender would jump in much quicker

Lee – Surety bond will accomplish the same thing –

Rich – this is something that we would want to be set for the decision –

Susy – I would want to involve our new treasurer in

Chan – look through for the critical path for the infrastructure that makes each piece whole

Andy – something else to consider for the board's discussion . . . what happens if this project starts and the RFP comes back and we go with a different engineering firm, how would we handle projects that are underway?

Susy – probably stay with the former consultant for existing projects and go with a new consultant for any new applications

Chan – we would probably be obligated to decide on one consultant to see a project through

Susy – this will mean we need to adjust the Bond section of the special permit – to only require a performance bond and not a cash bond . . . and to figure out how to

Melanie, susy, bob, rich and adam/Mark??

Lee – I will have to confirm this tomorrow - all grading and drainage and roads to be done as part of phase one along with some units - get it done and see how it performs – I believe that is how we will land

Karyl – I am comfortable with that

Andy – there are two issues we haven't spent much time on – bridge and the canoe launch - it is on the detail sheet on C40 – footbridge

John – technically there are 3 footbridges – near the river and both ends of the pond -

John – C46 shows the bridge and C47 is the canoe launch

Karyl – looks OK

John – canoe launch – no winner/summer

All set – can remove that from the decision . . .

Discussed Mark b obrowski's text on stormwater – page 16 – 5b

Eric – I thought we had some discujssionon some language similar regarding the roads . .
.

Bob – page 17 – item 11

Andy – maybe we should put in the comparable language that town meeting shall not accept the roads

Condition 4 a and b –

Andy – is there a problem with the mechanism with the registry of deeds? –

Rich- no that is not the problem. I perceive it that this is how it is customarily done – to ask us to do it in advance

Adam – OK as long as recorded prior to the occupancy permit

Rich – we can't sell the first unit without the master deed being recorded –

Continue to February 6, 2007 at 7 pm – motion by bob, chan – all yes
Goal is to close that night and vote on both . . . Sanford hall . . .

VHB last comments – will all be addressed and incorporated –

Discuss the CO estimate prepared by VHB – River bend

Chan –

Lee – it is a lot of redundancy because we are going to have affidavits, ass-builts, no public ownership – but you want the level of comfort to do it

Chan – I realize it is a bit of a catch 22

Karyl – does the number of visits seem excessive?

Eric – we either defer to our consultant or we don't – I am not in a position to second guess

Andy – there are over 80 visits here over 3 years –

Paul – there is a mile of roadway, 35 underground drainage systems, lots of sidewalk – 4.5 million in site work –

Bob – if we are going to do this for consistency, we have some sort of benchmark for doing this – I think we should revisit the policy all together

Bob – I think this is somewhat redundant system , I am not convinced with this application that we need to go thorough all this . . but I don't think it is an unreasonable estimate

Susy – lets not require full payment before endorsement? What about 1/3

Bob – could we estimate by phase

Eric – there are several policies on SOB – including the bonding, I don't think the context of a specific proposal is the time to do this

Andy – unique nature of the drainage system

John – and proximity to the Charles river

Andy – custodial duty to protect the river as an asset to anybody who is downstream – we need to make sure this is done right . . it requires us to make sure it is – that is not to cast any aspersions – I think it is important

John – the drainage system is 2 line items here

Paul – detention ponds, headwalls, culvert units, frames and covers and hoods;

Paul- this estimate is based on the requirements of the subdivision rules and regs

Lee – I like the idea

Chan – I move we approve the CO estimate to collect on a periodic basis to be – eric – All yes . . . susy to bill . . . \$57,458.20

Andy –

Adam Costas – outside of a public meeting forum you shouldn't discuss – work sessions are OK – avoid appearance of impropriety

Adam Costas – I am of the opinion that the board can still

Andy – we would like to know if we can talk about a project at a time other than during the public hearing

Adam – I am hesitant to advise you that this is OK – because of the impropriety

Adam – generics are OK – I will speak to mark – I don't believe it is illegal because it is a public forum, . . . there is a bit more concern about discussions with the applicant outside the public hearing –

Andy – we want to be considerate

Chan – we are trying to wrap too many things into one thing

Chan – outside the hearing but at an open meeting, we discuss the project, the application – they may not be in the room??

Adam – I don't believe that is against the letter of the law . . is it advisable, maybe not . . . concerns about appearance of impropriety

Adam – discussion by individual members of the board with the applicant? I believe you had said that Barbara advised that the member should give a report . . . I don't know if that is the letter of the law, she may be trying to protect the board . . .

Chan – suppose they want to discuss things that are completely extraneous to the particular application

Adam – if you are not in your capacity as a board member, you can discuss anything at any time

Chan – my whole process was predicated on my being the only person . . . I would respond to find out what he wanted . . . now that I know I was not the only person

Adam – there is no violation of the public hearing law when you have one on one meetings with applicants –

Chan – we have an obligation to try to make things happen in the best interest of the town

Chan – I would like to be able to respond

Karyl – or give ideas

Adam – to play devil's ad

Karyl – it is the informal discussion where the ideas are flushed out – doable or not, beneficial . . . most creative options for projects

Andy – this happens on an informal way, often before an application 0

Andy – we have to protect the institution of medway's govt – if you do have a discussion, then just report it back .

John – I don't think it is a stretch for us to do that

Adam – the appearance of this is what the concern is – why not report on it

Chan – my first reaction is to have them come in and speak to the board . . .

Adam – we will sometimes do a workshop session with one member of the board . . .

Paul leaves at 9:15 pm

Thanks

Karyl – I am afraid some of the better exchanges – they happen outside the public hearing – usually there is good communication among the board members –

Adam – you just

Andy – imagine if you are sitting in the audience and you don't know how this is going on the process and you hear for the first time that some meeting took place and you don't know what went on, the immediate reaction is that something unfair is happening – so when we report back we dispel that notion immediately

Karyl – I used to be an applicant, I never felt that there was ever anything unfair, but there were often very differing opinions –

Adam – even worse, an abutter who is here regularly and they come and find out there is an entirely new proposal – suddenly they are wondering what happens??

Chan – I expect they are going to come in on Feb 13 to feel out the board on the acceptability . . . what opportunity would we have to discuss the potential for that site. We might want to discuss the potential for the site before they withdraw

Andy – they have many options . . .

Bob – the rules are pretty clear, play by the rules – play in the sandbox nicely –

Andy – certainly we know more now about our authority and I am grateful we have that knowledge

Karyl – it was pretty much as we thought, we just didn't have the luxury of an attorney to verify

Applegate Farm Definitive Subdivision Plan

Chan – motion to endorse the plans, subject to payment of \$3,600 for fire alarm and payment of legal fees – karyl –

Board signs the plans and the covenant

Andy 43D program – I want to meet with Gino – Friday, Feb 2

Master Plan Update – ideas

Karyl – I wonder if there is a philosophical change going on in the town

Gino – one of the tasks is to review the previous survey and see if there are new questions

Karyl – seems to be a premise toward a rural concept – maybe that has changed

Gino – 7 tasks –

1. review old plan and identify areas that need to be updated
2. citizens survey – review old one, prepare a new survey, conduct the survey thru mail and internet response – analyze results
3. do the first public forum – present results of the first two tasks and get input
4. update the data and maps on a GIS system
5. draft updated goals and objectives and implementation actions
6. second public forum – and a new draft set of
7. finalize and prepare final document and print copies
8. present to town meeting

I prepared a budget - \$10,000

It could be a \$100,000 plan – it expands or contracts to fit the budget . .

Last time the survey was done by including it in tax bills . . . one way this time is to just send out a web site and folks could go on line and answer – probably want to do some sort of hybrid -

Andy - I like the idea of collecting survey data on an internet web site – neat way to develop an email list to blast out info to as things come up . . .

John – what is next??

Susy –

Andy – this could be a tool for all the boards

John – there is a perception tht there is a mistrust of the govt – best way to respond to that is to seek out citizen input

Andy – integrity of the survey needs to be preserved . .

Gino – personally, I don't hold too much stock in this type of survey that is open to all because it may not truly be reflective of the range of perspectives . – it is better if you select a random sample with everybody having an equal chance of being picked – that would be a more representative –

Andy – could you a combo – give everybody a chance to comment and then survey just a limited number

Gino – it would exceed the whole budget to do a survey

Motion to adjourn - bob – chan –

9:40 p.m.

Medway Planning Board
Tuesday, February 6, 2007

PRESENT: Bob Tucker; Chan Rogers, Karyl Spiller-Walsh, Eric Alexander; Andy Rodenhiser

ALSO PRESENT: Susy Affleck-Childs, Paul Carter, Mark Bobrowski

Susy announced that Chairman Andy Rodenhiser was running late and expected to be here by 7:15 p.m.

Various items were distributed to board members to review while waiting for the chairman to arrive.

Call to order at 7:30 p.m.

Andy arrived at 7:30 p.m.

Citizen Comments - None

River Bend Village – Public Hearing Continuation - ARCPUD & Definitive Subdivision Plan

Rich Cornetta, attorney
David Einis, property owner
Lee Bloom, Abbott Real Estate

Rich Cornetta – I believe we have another iteration of the special permit

Couple of ideas

#14 – getting away from a cash bond and moving to a surety bond – after speaking with the client, they would like to do a letter of credit – the applicant would like to upon endorsement of the plan – we know we would have to do a restrictive covenant that would let us do the site work and the club house – I think we can allay our concerns if we can include one model triplex building – asap – and then complete about 70% of the infrastructure

Lee – hands out the phasing plan

Andy – how does the board feel about the types of bonds?

Mark – statute gives them the election under subdivision control, but under the special permit, you can say no – most towns prefer a letter of credit or a tri-party agreement vs. a surety bond – a tri-party agreement is with you, applicant and a bank – pretty fool proof – need specific language – most secure way is to get cash in escrow – so that is the top best,

Mark – you are going to go out and do 70% of the work

Lee – I would want to be able to get a building permit while we are doing the infrastructure

Mark – statute says you can't issue a bldg permit unless it is installed – milestone performance standards –

Rich – we have a problem with condition #23d

Mark – covenant says no build, no sell – you want to get rid of the covenant, then you have to show us how it will all be covered

Mark – what is going to be done before you actually convert the covenant to a bond? what will be out there to handle the new impervious surfaces that you are creating – that is an important question – if you are going to disrupt a site and there is no system out there to handle it - what will you do if it rains like last year?

John – phase I is all the drainage work – temporary construction drainage basins – you have to maintain no dirty water . .

Mark – on one hand I don't care if he gets

Andy – it is not our intent to prevent you – we want it to be clear what the rules are so you can go forward

Mark – as he pulls permits and renders the land impermeable, that some sort of guarantee is given that the site doesn't leak to all hell – it will be a total mess – somebody has to say that it is being done on your end

Susy – The subdivision rules and regs have standards for what level of construction has to be completed before building permits are issued – I ask that you provide all due respect to these standards in the subdivision rules and regs – they were established after much thought and based on experience

Chan – this is different, the street is going to be owned by the development – they should have a right to go ahead with these –

Karyl – all these subdivisions that had difficulties were privately owned roads,

Mark – you also have a river resource out there that you have to be mindful of –

Paul – part of the problem is that you have a one way road – it is a fully integrated system and all interconnected – that is the nature of the design – vernal pool in the middle

John – you come in and do the infrastructure and start to build the houses along the way – the concerns I hear are about people being worried about the street after the house is in – you are trying to create a whole roadway and build a house and doing the roadway doesn't make it any better

Bob – the easy response is do it by the rules . . . one of the things we need to do is be consistent with you or any applicant that comes before us.

Rich – I don't believe that d) is in your ARCPUD regs – it is from your subdivision regs

Mark – So you want to do the clubhouse and one building with several model units and how much detention?

John- the road itself as you come up out of the ground, the detention would be built with the utilities – the drainage is going to have to be done all the way through piping wise before you can put in the roads and houses because it is so complex – the whole drainage system has to be a unit –

Mark – when he is building the unit, where will the water go?

John – construction drainage pond

Paul – you have to do it all – I don't know if you want construction vehicles on gravel roads, I don't think you want to have a gravel road in with construction going on – you don't want sediment getting into the system

John – it will be silted up all the time

Karyl – where is the construction phase detention pond going to be?

John – in the side where the houses are going to be – to store runoff – you just can't let it out – put bunkers around it

Karyl – what will hold it in?

John – earthen berms

Paul – when you are going to go from the covenant to the bond tied to the building permit

Mark – you can't put enough money in the bank to fix something that results from 12 inches of rain – so you need to have some performance standards – a milestone – in place before the covenant is converted to the bond

High standard – give us a base course and finished detention system

Andy – what are the mechanisms?

Mark – in a small subdivision, 8 units – base course and working drainage system (80%)
In a phased subdivision with 600 units – you get to the first 20

Andy – my concern, the conversation I have had with Bob Speroni he is not going to release any building permit until we give our releases – that is what our regs say –

Bob – I don't know why we should take exception to them - the building inspector is going to look to this board to know when it is acceptable to issue the permit

Mark – look at the list in condition #23 d – there are some minor ones in here – can you do gravel subbase and binder course?

Lee – of phase I

Mark – what about the drainage system? Can you do that?

Lee – I have to defer to John – I agree we need the mechanism and that we need the protection – the question is that this does not need to be complete – for me this is a matter of time -

John – the starting of the homes is really immaterial about anything of the drainage system except for the roof drains – if you do the drainage system itself, you are going to have a place there on a pad and putting in footings and a slab doesn't change much of anything – it has no impact on any of the downsides or upsides of what you are going to do

Eric – I am not sure I understand that – then you are telling me that you are ultimately doing stuff you don't need to do?

John – to get the drainage system up and running – you do the whole system up and running

Andy – this is not a conventional drainage system –

Bob – I think enough people aren't reading what the regs say – there are set guidelines for this. I am not hearing or seeing that you have done your homework -

Lee – I guess I will have to come back with a very specific plan

John – the point of juncture here – pulling the permit or occupancy permit – the building of the house is not what you are trying to protect - you are trying to protect the occupancy permit

Eric – I don't want the houses built if the drainage system is not in place – I don't want the abutters and the critical resources to be affected by anything going on on the site

Mark – it has to do with the timing of the stripping of the land tied to the installation of the drainage system – schedule for doing the work

Mark – have the two engineers consult

Park – the problem is that this hasn't been designed to be constructed in a phased approach – if you were doing a subdivision in phases, it would be designed that way – this hasn't been designed to be constructed in phases

John – I am trying to say . . . the drainage gets built – that takes care of it – once it is built – whether there is a house built at the same time

Eric - item 23 d 3 – drainage system –

John – as soon as you take off the trees, you have to solve the problem –

Paul – you do need to stabilize the roads if you are going to use them – the only way is to have the binder down – and you have to have the subbase in before the binder – the as-built plans for the detentions is to make sure it works – this is really a minimal -

Mark – throw out a possibility – how about a temporary drainage system that the board could consider?

John – any subdivision plan you have now done – they start the land clearing – the second day in, he is taking – that process that normally happens is going to happen here – go through the

process – build the detention areas and build the roads, just like you normally would, the only question is when does building come in? – the way you have it structured in these regulations is that you don't do a building until everything is done – infrastructure and drainage – you are saying he can't start building the houses until all of that is done – the question in my mind anyway, why is that important to you to get all that done before the houses - – why not use the occupancy permit as the triggering mechanism?

Karyl – that is what I think

Andy – I want to follow the regs due to the precedence – but it needs to be clear about when the building permit can be issued

Eric – I am not trying to kick the can down the road – I wonder if we are in a sense trying to get too detailed in terms of the drainage – if we are hearing that there is a temporary construction drainage system that is in place and out of the gate we say that it has to be inspected by the board or agent -

Mark – not really -

Bob – silt fences to prevent runoff

Eric – in terms of drainage, can we put something fairly generic in here – a drainage system adequate to deal with . . .

Paul – their final drainage system is what is acceptable –

John – you have to get from the beginning to the end - we are being pushy to try to get to the occupancy permit – timing issue

Lee – I want the ability to start construction of homes while the road is going in

Chan – I would like to have a couple of minutes here – this is not a standard subdivision when the developer builds the roads and you can't sell the road – you can't go by the regular guidelines – you guys control the whole thing – you want to do all this stuff and protect your money and get some things sold – I am surprised you haven't come in here with a whole scenario that is not identical to the subdivision process – you want some semblance of order – you want things to be saleable – this is something new – we are sitting here back and forth here – you want to do everything favorable to your process cause you want to sell the units – we don't even have a road the town will own

Andy – don't we have a responsibility to the people that will live there?

Andy – let's just say that they go out of business and the people that are living there – future residents will say what was the PB's plan – don't we have an obligation here? I agree with some of what you said

Chan – I feel the whole system is self protecting – if you fail, somebody has to come in and take it over – not the town –

Andy – at what point does that letter of credit come into play –

Lee – when I want to pull a building permit –

Mark – trigger mechanism – if they walk away. you are going to have a mechanism that all the infrastructure has to be done in X years . . if they walk away, we can't act on it until that deadline is past

Andy – across the street from the VFW, they cleared and stopped work

Mark – what you are trying to do is to come up with something that does work – maybe not what we have listed here - But technically, the rules for performance guarantees for subdivisions apply

Mark – if you want to reach a middle ground, that may include a waiver

Andy – I am hearing that

Chan – Come up with a plan for how you want to do this – the trigger is really the occupancy permit –

Bob – what I am reading in the subdivision rules and regs – it throws it back to us to be satisfied with what they have done – come to us with the plan

Karyl - why can't we just make a call? We have talked about what we need to have in place – talked about the problems of an incomplete drainage system – it becomes vulnerable as soon as we start to invade the property – the goal has to be to get to the drainage system as designed – the one that is designed to work is the one that works as a totality – can you make a proposal to make the detention system and build it and allow the club house and the front entry roads and proceed as in the subdivision rules and regs up to the binder course in phase I and build it – and then the first buildings would start

Andy – because of the way this thing is designed, the detention areas and swales need to be done – so you will protect the drainage areas

Bob – one of the things . . it is typical, in phasing construction – they are going to excavate, holes will be open, line it with fabric, grass seed – whatever process – it doesn't happen overnight - it does take time . . I don't think we want to force onto them a time frame for getting all the swales done – you will also be grading out the roadways as you go along cause you need the access – so you will end up with a subbase – you need water and sewer – you have to bite the bullet and put it in before the subbase goes down – your sewer and water and drainage may be at opposite ends

John – I think we agree we are not going to do anything different in the construction of the subdivision and what we are saying is that we are looking for relief on that process, instead of having to wait for 6 months to construct the houses until all the infrastructure is done

Eric – you have to have enough of the subsystem in for us to feel comfortable

John – let me say this one more way – the house itself doesn't improve or be derogatory to the drainage or road whether it is built, before, after or during

Karyl – the inherent problem is a time issue – that is a concern for us – from the beginning thru to the detention phase, the site is left relatively unprotected. anything could happen –

John – whether it is the building permit stage or the occupancy permit stage doesn't matter

Andy – there is still an order of conditions that has to protect the wetlands

Paul – the order of conditions is for the project as designed

Mark – you are trying to guarantee the finished performance in the performance guarantee – we want enough money to get to the finish line and now we are saying one of nightmare scenarios – road, clubhouse, a few houses and then another 9-11 happens . . and then what?? So why not set up a system that addresses all of this – take the nightmare scenario out of formula

Paul – I don't know what your proposal is!

Bob – I would go back to where we started last week, come to us with a proposal and how you intend to build it that we can put our hands around-

Chan – this is exactly how I feel – this is a complex, interrelated project – your money is at stake – your ability to sell – the town is never going to go into the site to fix it up – we want to get people in that development – I think you need to go out and come back with a program

Bob – I would also offer a suggestion that perhaps all the drainage not be completed before the first permits – take some time and some hard looks at the infrastructure – what do you really need to build –

Paul – is this issue here – you want to get thru phase I before you do the bond

Lee- this has nothing to do with the bond – it is about timing – we want to clear, pull a permit to build the club house and a model unit and start doing that work – the infrastructure work is underway and is being inspected . . .there will come a time before I am complete with the infrastructure that I want to pull a building permit – before I would allowed to do that, I would have to provide the temporary drainage system acceptable to your engineer

Eric – whatever trigger we put in here will still have to be inspected by our agent, so I think we can be somewhat open in what we can do

Mark – you needed to talk to get to the point that you just described – he is now in his phase I and building out the infrastructure – what is enough??

Eric – Paul said that this is really not designed to be a phased project

Rich – we do have a couple of other points we want to bring before you

Condition #14 –

John – there is an agreement that they were going to patch sidewalks on village street

Rich – maybe we need to word it a little more precisely – this seems very broad

Susy – this is right out of the notes from Dave D'Amico

Mark and Rich to tweak it . . .

Rich – Fire protection system - we are not contesting the line item – it is just an amount – in fall of 06 that was \$5,000 – the amount has almost doubled to \$9,000 now with the Chief's 2-6-07 letter.

Andy – I think the cost has gone up – if you have already got a letter – I think just recently he has addressed the actual cost of the system

Karyl – I think it should reflect what was originally proposed –

Motion by Eric, seconded by Karyl to accept the fire chief's first letter dated November 6, 2006 for \$5,000 payment in lieu of installing a fire alarm system within the development. all yes – Bob does not vote.

Susy – when should that payment be received?

Rich – we will come back with a proposal on that

Rich – the last item we had – we lost a waiver in the process – there is a waiver we wanted to include

John – we need to add a waiver for section 6.9.1 –

Motion by Eric, seconded by Karyl to approve a waiver from section 6.9.1 of the subdivision rules and regs – motion approved – all yes. Bob does not vote. This waiver applies to both the subdivision and the arcpud

Mark – in condition #21 – there is space for a phasing plan

Paul – I think they need to think about how they are going to phase

Lee – what you have in front of you is a CO phasing plan – I have to do my full construction schedule

Bob – not necessarily your full schedule

Mark – it is really important to have this discussion now – example in Groton and there were real problems with water leaking across the highway – caused a huge uproar – it was all over the planning board - it was a mess and just needs to be thought thru

Paul – look at the drainage and see if you can do it – john is saying you need to build the whole system –

Chan – it is up to them to say why

Andy – how much time do you need?

Motion by Eric, seconded by Chan to continue the public hearing to Tuesday, February 27, 2007 – 7:15 pm. all yes - Bob does not vote.

Handouts

Letter from Barbara St Andre – 2/2/07

Letter from Jim Vallee re: his sponsorship of the community planning act

Memo on FY08 budget hearing with BOS and TA scheduled for 2/12/07 at 9 pm

Signatures on Pine Meadow Revision Plan – mylar - . . .

Andy – Dan Hooper and myself had coffee with Joe Avellino and John Avellino last week up at Coffee Sensations – context of conversation was a parallel track for them – they don't know what Drake is going to do – they wanted to know what they can do on their own behalf to seek some type of approval to market the site even if Drake decides to pull out . . . basically so they could hedge their bets – their real estate agent told them that the only type of business that could afford to do the land work is a gas station

NOTE - Karyl leaves at 9:08 pm

Andy – They, as a property owner, want to seek a zoning change for that purpose – one of the things that Dan was talking about was attached canopy or unattached canopy – that could be included in the text of the zoning bylaw – by special permit – with limitations on size and offsetting measurements and scale that would all be defined – that would involve DRC helping craft some of the scale issues and the number of pumps would also be default under the size of the canopy – that was the meat of the conversation – they have some type of lease arrangement with Drake - they are in the period of time when they were supposed to have gotten their permit and they are getting extensions- extensions are being done based on how they perceive the permitting is going – Conrad stated he thought they had good legal standing

Bob – I think it was our obligation to call his bluff

Andy – I had Bob telling me we didn't have the authority –

Susy – we have a few words in our bylaw that gives us a leg to stand on here – that is not standard in most site plan bylaws

Andy – it enables us to make determination of use . . . the Avelinos commented that we were fair and just in how we conducted ourselves as a board in spite of what had gone on – timing is a real concern for the seasonal aspect of their business – may have to delay a growing season – disappointment hitting home – they became emotional

Eric – the first thing they should have done was have their attorney do a zoning opinion

Susy – I believe they may ask for a refund of fees. Their attorney contacted Barbara St. Andre.

Andy – I would be willing to consider that we would waive future application fees

Bob – fees are paid, no guarantees

Eric – yet we need to be cognizant of impact on the town

Chan – was anything said about the scale?

Andy – we only talked about what might happen in the future – size, and scale and canopy for a future development

Bob – is there not a regulation on impervious surface maximums

Susy – yes, in zoning bylaw

Andy – if they ask for the money

Bob – if you are going to enter into something and then decide not to go through with it

Andy – we would spend some money on drafting bylaw changes – we lost some money in our FY08 budget – I don't think we are fiscally in a position to be getting into a lawsuit

Bob – you got to look at the long term and precedent

Bob – do our regs provide for refunding?

Susy – I don't believe so –

Andy – have we done it?

Susy – we have allowed people to withdraw and then waive reapplication fees . . . we also refunded a site plan filing fee when the applicant appealed to the building inspector that it was an agricultural use and therefore exempt

INVOICES

Plan Review – \$918.75 – PGC Associates – motion by chan, sec by bob – all yes

Consulting Services – PGC – \$487.50 – motion by bob, chan – all yes –

Motion to adjourn- bob, chan – all yes.

The meeting was adjourned at 9:35 p.m .

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

February 13, 2007 PB Meeting

PRESENT: Chan Rogers, Bob Tucker, Karyl Spiller-Walsh, John Schroeder

ALSO PRESENT: Barbara Saint Andre, Town Counsel; Susan Affleck-Childs, Planning Board Assistant.

Chan Rogers called the meeting to order at 6:25 pm

Workshop with Barbara Saint Andre/Town Counsel

Reference to Barbara's letter dated February 2, 2007.

Barbara Saint Andre – I was asked to comment on some hearing procedures in terms of public hearings and discussions outside. What I was trying to convey is when you are acting on any application, the courts consider you to be a quasi judicial board. You are sort of like a jury when you are not supposed to talk to anybody outside the courtroom. Your work doesn't rise to quite that level but it is a serious matter with property owner rights at stake. You should treat it in a very formal manner. You need a majority vote of the entire board. My opinion has always been if you are in the midst of a public hearing process, everything you are going to consider should be from info presented within a public hearing. The courts have said that you are expected to bring your general knowledge of the town to the table. It may be possible to avoid people saying things to you – family, grocery store, etc. – and sometimes you do have conversations with people or an applicant about a pending project. These are called exparte conversations. At the next public hearing you just report back on those conversations, simply make reference to the conversation that took place.

The second question you had is about board members talking about a project under consideration at a time other than the public hearing. As an applicant, they are entitled to be at the public hearing to rebut anything that is discussed. I know it is hard, but try not to talk outside the public hearing.

Karyl – What about conversations we have among us about a matter before the board?

Barbara – Be careful you don't have a serial conversation. The issue is that interested parties are excluded from the conversation.

Andy – that is more subjective than what the bylaw says - Karyl has an eye for design, Chan has an idea about mechanics of the discipline of engineering and may not have as much concern for design as he does for structure. He and I may talk or share an email whether we should make somebody do something. Karyl and I could be talking about how something looks – quite often, that is the way a discussion happens. I am not telling him what Karyl thinks. As chairman, you end up with a lot of loose ends. I may need to interact with Susy to get info back to the applicant, or town counsel.

Karyl – lack of insight, education or knowledge about how something could become a better project.

Andy – In the context of vetting applicants for town counsel, Petrini came across well due to their willingness to offer workshops. I think it should be offered at a time when the new boards come together after the next election.

Barbara – In the perfect world, you shouldn't be talking amongst yourselves about an applicant that is before you.

Susy – Something else we need to work on is a policy on how to handle situations where there is a difference of opinion between the PB and the ZEO

Chan – When are we supposed to deliberate the issue, because you don't do that in the middle of the open public hearing? I would like to think we could close the public hearing and then deliberate

Barbara – Most boards like to close the public hearing before they start to deliberate.

Karyl – By that time, it is too late to make changes.

Chan – You have to have time to talk about the issues

Barbara – A lot of the things you deal with are over a series of evenings. You may actually have to schedule a time for deliberations. You don't have to do it that way.

John – Is there a way to deliberate mid stream? Can we have an executive session to discuss a particular element of a project?

Barbara – No executive session. Certainly at any time during the public hearing you can have a time to discuss among yourselves – what boards often do if there is an issue – is get a sense of the board – you are never bound by anything until you are done – sometimes boards are trying to give some direction – sometimes provide a consensus direction.

Andy - We are having a scheduled public hearing, we talk about it, the PH is continued to 3 weeks from now, but during the course of the next public meeting, can we discuss something if applicants or abutters are not there?

Barbara – My opinion is that you should not be discussing a project it outside the public hearing.

Barbara – As long as a public hearing is open, any discussions you have should be during the public hearing. You want to allow the applicant, abutters and other interested parties to come to the meeting and hear what people have to say.

Andy – At the end of each public hearing we announce the date and time of the continuation

Bob – If we discuss an applicant tonight and we decide to continue it for 2 weeks, can we have a discussion then?

Barbara – You are asking if you could have a session of the public hearing to just discuss an application. At the public hearing you would say, we would continue to 2 weeks and just have a board discussion at that time.

Karyl – If we can't talk amongst ourselves or with a citizen, then I am going to be calling town counsel when I have questions about what we should be doing. If I can't call Andy or another board member, is that what we want to do? I am looking for a sounding board.

Andy – I think that is an extreme example.

Karyl – On a weekly basis that is what goes on.

Andy – We can set aside time to discuss something within the public hearing.

John – A question comes up on the interpretation of a bylaw, can I ask the chairman if we can discuss an issue?

Andy – You can say “I need some clarification something.” Then the applicant is hearing where we are coming from.

Chan – We learned this the hard way from the Medway Gardens project. In that case, the board should have stopped and gotten some consensus on major issues to be sure we know where we are going. Karyl would like to be able to discuss controversial issues of a project external to the board.

Karyl – It just needs to get done.

Barbara – In the perfect world, it should be done at the public hearing. Any conversations that occur outside, at the next public hearing you simply announce and put it on the public record

John – I have a specific question. Tonight there is a public hearing and I intend to announce that I had a conversation with the property owner outside the public hearing.

Karyl – There are no issues that you represent that aren’t PB. We are talking about a chance to unfold./

Barbara – when I do the seminar for the boards, I go through how to hold a hearing and make a decision that will hopefully stand up – I will go over some of this and give some tips – we have covered a lot of that already tonight.

Karyl – we are desperate.

Barbara – you are doing fine.

Bob – I think this board makes every attempt to do everything above board and sometimes it is more of a struggle than others.

Andy – Thanks for coming.

7:05 p.m. Turn on TV system and put in video tape.

Chan – Are we going to be asked by Medway Gardens how each of us feels? You have talked to them, we haven’t. This is the details about the conduct of a meeting that I am concerned about. How are we going to comport ourselves?

Andy – We just heard from town counsel that we shouldn't talk about a project outside the public hearing.

Chan – Are we going to have to answer a question from the applicant about how each one of us feels?

Karyl – the simple answer is no.

Andy – We have received a letter from them withdrawing. As far as I know, they are not going to come tonight but I don't have a crystal ball.

Chan – I am asking about procedure. Am I obligated to answer their question?

Andy – I can't address what will happen in the future.

Andy – I don't think you are obligated to answer their questions

CITIZEN COMMENTS - none

Pine Ridge – Bond Estimate Discussion

John Claffey and Paul Yorkis

Reference bond estimate from VHB dated 2-7-07.

Paul - Thank you for meeting with us to discuss the bond estimate. as you know, the village at pine ridge was the first of its kind (OSRD) under the zoning bylaw – we have been doing a number of firsts – now we are the first to establish the parameters for a bond when it is not going to be a public way. I would like to outline some questions and then focus on the last part of the letter.

NOTE – Paul distributed a letter dated 2-13-07 – 4 parts

There are errors in the estimate – concrete pavers in the cul de sac island are not shown on the plan. Sloped granite edging is not shown on the plan. The length of granite curbing is wrong. The street signs – the number of street signs is wrong. There is only one location.

Paul Carter – in looking at the plans, the plans don't show a detail of the cul de sac island. But it does show what looks like pavers, so we assumed the PB's standard detail which has the concrete pavers. The interior circle was shown as a cape cod berm – you can only do that next to asphalt and not next to pavers – the detail requires a flush granite curb next to the truck apron – the detail wasn't well defined on the plan, so for purposes of the estimate, we could only assume the PB's standard detail – there are some items that need to be better defined relative to that if you plan to do something else –

John – the landscape plan calls out grass and cape cod berm – the other sheet calls out white striping and not granite curbing

Andy – is he required to do anything or just do what is on the plan or does he have to comply with these subdivision standards?

Paul Carter – it is really up to the board

Chan – typically we would have waivers.

Andy – It is already an approved plan the way it is.

Paul Carter – It says a 10 foot wide truck apron –

Andy – did you request a waiver from that standard?

Paul Yorkis – No. The plans that the planning board has endorsed are the plans we are supposed to build. If during the course of the review process this matter had come up, we would have discussed it and resolved it.

Karyl – I don't ever recall that there was any discussion about white striping – all the other indications of the cul de sac indicate there is to be an apron – that looks like a standard

Paul Yorkis – I do not recall any discussion with the DRC or the PB

Andy – can we look at the DRC's letter?

Karyl – the landscape plan looks like an apron. I never recall it being a white line.

Bob – if it is a white stripe, then I would assume it would be paved asphalt underneath it.

Bob – what they are required to build to is the drawings with the waivers. If they have done that, they have upheld their part of the bargain.

Paul Yorkis – we were not trying to put something over on you.

Andy – we have to root out this issue.

Paul Carter – I assumed it was going to be a paver type apron. We didn't understand what was going to be constructed, so it can be clarified and we can revise the bond estimate.

Bob – let's go through all the items and agree to go back and look at what we need to . . .

Andy – we should review the DRC's letter

Paul Carter – I would also share with the board, that with other applicants we discussed different surfaces and we called it out on the plans.

Karyl – what happens on the apron is that you have a cul de sac island . Then there is an apron which has a slight angling – go around room and plowing room – it is not a flat surface- if there is a surface change there should be a sound change

Paul Carter – flush granite curb, you need to be able to provide structural support to paving and pavers – control that edge – those are the reasons behind the detail – try to reduce the amount of pavement in the cul de sac – the truck apron material was not defined well on the plans.

Paul Yorkis – the signs are based on MHD's unit pricing for the signs. I have attached the cost of the signs produced by the town's vendor.

Bob – Our regs reference the MHD standards.

Paul Yorkis – this is real money. MHD figures just don't apply here.

Bob– did you ask for a waiver on this?

Paul Yorkis – I don't think we should have to be required to have a waiver because this is not a public way. You and we are in a new area. This is never going to be owned by the town.

Chan – I say no units get sold if the road isn't built. We control that thru an occupancy permit.

Paul Yorkis – in this particular case, we have a private way, we have a condo association, we have a road in place but it is not completed/finished – and the certificate of action indicated a bond will be posted – the building inspector will not allow a building permit for this project until the bond is in place and the Planning Board is satisfied. – We want to address that issue so that John can submit his application to the building department. Right now we can't build because of the language in the certificate – In this case, I think there is good reason for the town to have a bond – what needs to be done that the town needs to be concerned about vs. the buyers. My perception on behalf of John is that the town has an interest in drainage and how the proposed private way intersects with Candlewood which will be a public way. Those two reasons are why there ought to be a bond.

Andy – with an exception of the amounts, what else do you feel needs adjustment?

Paul Yorkis – I have raised questions – why is there road maintenance, snow plowing, loam, borrow and seed which is part of the common area, the contingency is 25% and it used to be 20% - when you look at this bond estimate and compare it to Hartney Acres there seems to be a substantial disconnect – also, on what basis was the landscaping estimate made?

Paul Carter – including road maintenance and snowplowing is the policy of the board.

Paul Carter – as far as loam, borrow and seed, I am not sure the exact limits of that . . I assume that is within the area adjacent to the road and cul de sac

Paul Yorkis – the road is common area with ownership by the condo association – it is a private way . .

Paul Carter – loam and seed is needed to stabilize off the grading of the roadway

Paul Carter – as far as the contingency issue – 25% is in the subdivision rules and regs

Paul Carter – as far as comparing these two (Pine Ridge to Hartney Acres) . . . the Hartney estimate was prepared a year or 2 ago and the unit prices have gone up since that time.

Karyl – I have to agree with him on the 1 year road maintenance – I think it should not be included.

Bob – the reason why he included it is that the regs specify it that way. These are the rules we used to approve this project and if there wasn't a waiver requested, then the rules apply.

Chan – this is not a subdivision in the traditional sense, I think it is a matter that you tell us what is a fair amount.

Paul Yorkis – we outlined that in the letter I distributed -

Bob – would you anticipate come in for bond reductions?

Paul Yorkis – No, it sits there until the last unit is sold and the as-builts are done and an engineer's certificate is provided.

Paul Carter – the one thing about the landscaping – there is a lot at the entrance – it is a huge plan – that is what the number of based on – does the board feel?

Chan – yes, I do think that should be bonded . .

Karyl – the whole approval of this special permit was based on neighbor's comfort level

Paul – this estiamtie is basedon what is left to do based on our inspecltions – it was prepared by jack lydon who has been doing the inspoelectons – separate from the island thing which there is some misundetand g

Paul – the top course hasn't beenconstructed and there is some binder repair that needs to be taken care of

Andy – how do you guys feel about Paul and Paul working on something and coming back to us –

Bob– the rules are the rules – you made a decision based on the subdivision rules – I think this is a golden opportunity to take a look at this – take this and go to the future with it as well to come up with an amended direction for private ways - we need to have a better roadmap to get to this point

Chan – lets recognize it and take the bull by the horns - lets reduce the bond – I don't feel constrained and recognize a problem and rectifiy the problem

Andy – Barbara, any comment you would like to make

Barbara – it is hard for me to comment – as I haven't read the decisioin – but the certificate – there are certain regs set out

Paul carter – I don't have a problem – it is up to the board on how to handle the cul de sac – if you are comfortable with what is on the plans, then we can revise the estimate – I would ask how you want to handle th elandsaciong issue – what is left is really the road maintineanc,e snow

plowing and those are the remaining issues here – the other things are the prices – are based on the subdivision rules and regs which are the MHP pricing – two big issues are the cul de sac and the landscaping

Bob – all the regs call for is – I

Chan – I see many issues that are unfair

Chan – I move that we have the two Pauls to work together to try to come up with a revised – seconded by Karyl

John – I don't think the 2 Pauls can work this out without some direction from the board

Chan – move to amend my motion that within the discussion there be recognition to issues that the board may or may not want to include in the estimate . .

Paul – I would like to see some direction from the board on the landscaping plan

Chan – this does not preclude the board from bring up any further issue after the two

Paul – Paul Yorkis is proposing that they not bond any of the landscaping

Chan – the board still has the

John – I think VHB has come up with a number and the applicant has come up with a number, I don't think it is fair to come up a new number – any new number is based on the decision of the board

Andy – any dispute on the MHD costs?

Paul Y – I dispute whether those are realistic costs . . .

Andy – let me rephrase the question – is there any dispute as to whether the figures represent the MHD costs

Paul Y – I believe those are the current MHD costs. I am indicating to the board, that by applying those MHD standards to a private way does not make any sense to me and I would strongly encourage you to review your regs – you have encouraged folks to pursue projects like this – this applicant is caught between a rock and a hard place because you are insisting on one standard and

Andy – isn't it fair to us to say that you could have requested a waiver

Paul – on my part, when we were going through waivers with you, that never came up – I will take half of that responsibility because we were going through a brand new process that we haven't cut before

Andy – do you think it is incumbent on us to make recommendations to you

Paul – this is the first time since I have been appearing before the board that even the possibility of requesting a waiver from a bonding regulations has ever come up because all the other projects have been public ways

Gino – there have been other private ways that have gone through the subdivision process

Chan – you can

John claffey – if I may – obviously, for us to determine what the bond was when I was going thru financing – I try to make an educated guess – I looked back at Hartney, and tried to come up with – I had to include an estimate to the bank – that bond is going to cost me more than what it will cost me to finish it – I am just not in a position to do that

Chan – let the two people

John – I think this should be a bond – I only have so much money to put into it

Andy – if we agree that this is the number that MHD uses, is there a question on the quantities

Paul – I would like to ask David Faist to go back and review each and every item from a quantity perspective – I think

Andy – to John's point, unless you have a dispute as to quantity or price, we should discuss the reduction

Paul – we don't have any problem revising the bond estimate based on what the board wants or what is on the plan

Bob – I think there is a revision that is required – take out

Compare notes on quantities, rates are established –

Paul – there is no standard rate for landscaping

Paul – the building commissioner will not review the plans until such time as the PB informs him in writing that a bond amount has been established for this –

Bob – I think it goes to the point, that the board must be satisfied –

Chan – I move the question

All in favor for the amendment – yes

Chan – I move the original motion – 4 yes, one NO

Andy – Barbara, do you have anything that might apply to bonding for condominiums and private ways –

Barbara – it is a problem – you still want it to be built to the plan

Continue the Public hearing on Medway Gardens

8:10 pm

John Vigone, attorney- folr avellino family – the reasoning behind withdrawing is an understanding that they have paid certain amounts into the town - \$11,000 filing fees and \$10,000 toward consulting fees – the understanding is that they would receive the balance of the consulting fees back – about \$3,000

John – Drake has asked for an accounting of how the funds were spent

John – filing fee of \$11,000 – it is my understanding that the board doesn't have the authority

Barbara – the filing fees are paid into the general fund –

Andy – to get a refund on those would involve an appropriation of town meeting

Karyl – if they reapply at some point, could those filing fees apply to the future

Andrew- I would like to encourage that

John – if it can't be done without town meeting, if they apply again – if onileva applies again with a different applicant they would get credit for

Andy – we have already expended probably half

Susy – no,

John – some unused portion

Andy – put a time frame on it . . .take a look at the amount of time that has been put into it . .

Bob– this would only be applicable to this parcel for property and not to any other

Barbara – as far as the application fee – it is paid to the town to cover the administrative costs of the hearing – susy, overhead – you don't have that one – since they are withdrawing part way through process – you are saying you would give them a credit on a new application fee –

YES

Barbara – I am not sure you can take a vote tonight

Chan – we can make a motion – general posture to give a credit, amount and details would come later

John – that is fine

Bob– I don't think a motion is necessary

Andy – I want to report that I did meet with Avelinnos, and on advice of town counsel – we did have a discussion on the future of the site in case a withdrawal was not open – it was their express desire to try to develop the site in some fashion that would – likely gas station type use – to pursue some type of zoning change so this could be done – I expect the family will be asking for some type of zoning change to – to look at a scale – for drive thru and a pump configuration that would work – have it be an allowed use by special permit for gas and drive thru – that was the nature of the conversation

John – I would also like to put something on the record – I did have a conversation with a member of the Avelino family on January 25 – said in that conversation that my personal opinion – that use was not allowed – that was my interpretation -

Andy – any comments from the public

Andy – letter dated Feb 13 from CME associates – to withdraw without prejudice applications relating to the site –

Andy – any other comments or questions

Karyl – referring back to DRC conceptual conversations – there was a time when we were requesting about the possibility of flipping the gasoline canopy if it was allowed and the retail building so that the corner unit is the retail store – we wondered if that was some kind of idea

John Avelino – based on what I have heard – these petroleum guys won't have it – unless they were allowed to do that, they probably would not be interested in the site

Andy – I would suggest that you work with a realtor and the DRC to try to come up

John – I think the scale issue can be worked on but I think the placement issues would be a real issue for any petroleum

Chan – I take issue with the PB deferring to the DRC – this is a PB prerogative, not DRC

Andy – any other comments?

Motion to accept their request to withdraw without prejudice - Karyl, Bob-

All YEZS

Chan – I feel issues like that should be

CVS Pharmacy Site Plan Modification - Public Hearing

Motion to accept request to withdraw – Karen Johnson . . .

Fred Sibley – Daniels Wood

Informal discussion –

Andy – anything that is discussed has no bearing or traction until

Fred – I have brough

This is a perlfimianry plan for completing what had been described in the original decision from Nov 4, 2003

Fred – the waivers that were approved . . dead end; roadway construction, drainage system –I had agreed to only build two lots – this plan reflects – item 4d – rural character for driveway

Essentially it is complelitng the roadway as initially proposed with one lot that meets code - lot 2B

Fred – the plan was signed with an understanding that the road would be extended further – I would expect that intent to be honored

Karyl – so you are planning on conjstrucint the cul de sac ?

Fred – yes

Karyl – what about water/drainage?

Fred – the hope is that the whole construction would still retain the character

Fred – what we propose to do is extend the roadway as a driveway – retain the trees in the center – we would extend the driveway around the circle and back out with woods in the ;maiddle

Karyl – drainage??

Kevin DeSimone – yes, we will build the drainage

Fred - the steepest part has already been constructed

Andy – a stone wall was built at 5 daniels road – I expect the

Todd – it is more of an issue for me than it is for him.

Karyl – there needs to be stormwater management consideratoin s in the paplicaotn

Bob– I would agree

Chan – are you saying that nothing has to be done as far as fainbe

Todd allen – as far as above, I don't think anything fred is propping will be effected by anything there – as far as what was discussed nothing will be effected by what Fred is doing . .

Bob– you need to address storwmater runoff – I would also suggest you look very carefully at how you treat it – if you are going to put any water on lot 2b-2

Fred – given my underasnaign of the additional water – I would consider a drainage easement

Fred – todd has right of first refusal on the lot

Chan – which lot would be for sale?

Fred – lot 2b-

Paul – talk to fire chief about emergency access turnaround –

Fred – my concessions are tied to this agreement – I could have cut a road through between daniels and oak street – part of tradeoff was preservation of this land too

Susy – why have that 60 foot wide area off the cul de sac area as part of lot 2B-2

Fred – access for wood, . . if this is

Karyl - it should be conversation . .

PH - Scenic Road Public Hearing - Winthop Street

9:00 pm –

Tree Warden Phil Smith

Rob Truax and Jim Williamson

This is the applicationfo rhte scenic road filing – one existing 20 inch pine tree that falsl within the right of way – this tree would require a replacement value of 22 three inch trees or payment of a fee

Rob – we would like the board to consider the fact that the site itself and the amount of landsaping that is proposed be considered – if youlook at the plan we have proposed – we are plating over 400 trees on the site – almost 3 times what is required per subdivision rules and regs – if you want us to plant some more – we think we have done a pretty extensive job – we would ask for some ocnnisderation on that

Rob – all those trees on thephoto are coming down – it is only one that is in the right of way – the road is going right through ther e

Chan - what species are the trees you are planting?

Rob – see the ARCPUD landscaping plan

Phil – the landsacing pland does not call for a white pines

Chan – are you satisfied he is replicinatng what he has cut?

Phil – yes – that tree is probably 50 years old

Karyl – in lieu of full replacement – perhaps we could have one tree that could be a bigger specimen tree beyond the call of what you have already put in there – something Bigger –

Rob – how big?

Karyl – 6 inch caliper at least in lieu of 22 trees – one that is bigger, near the entrance – does that sound interswtign to the board

John – the condition of the rest of the trees along Winthrop may be in need of some pruning to make them healthier – and might be to the advatrnage of the appallicant and town – take the money value and apply it to maitnenctr and pruning on other trees on withthrop street – grooming and trimming

Butchy – there ae some mature oak trees on the opposite side of the road that despeirately need to be pruned and if we took 3 or 4 of them and had them pruned, that would be beneficial to the town and to the developer – I think the town would get more out of that than they would out of a larger tree put in the entranceway to the development –

Kalryl – that sounds good to me

Andy – win for residents

Jim – we will agree to prune 5-6 trees –

Andy – write up something with butchy –

Chan – what do you mean – pruning or selective cutting?

Rob – pruning .

Butchy – there are a couple of big oaks across the street – they need some structural pruning to help maitinat them and keep them healthy – I would be very happy with this . .

Andy – get that recommendation back to us and incorpoaroiate it into the decision -

Continue this public hearing in conjunction with the ARCPUD special permit

Rob and butchy will get together . .

Daniels Village ARCPUD –

Jim Williamson – a few loose ends

Jim – we had a traffic study – there were two items that needed to be addressed – safety of relocated entrance on the north side and the intersection of Loveing and Winthrop street – here is the formal response to VHB’s comments from 10-26-06 . . . there is now over 500 feet at sight distance – they also suggest some possible improvements at Winthrop and Lovering – recommend signage and some pruning to improve visibility up there – you have that for the record

Paul – we took

Lighting plan we have given to the DRC – here is our lighting plan – candlelight power

Bob – how many lumens do you emit?

Rob – all of them!!!

Paul – are you submitting a lighting plan?

Rob – yes . . .

Jim – I have done some work on the affordable housing thing – we were contemplating doing off site for 8 units- we have a consultant – MCO housing services out of Harvard – they checked with DHCD, unless all 8 units are in the same complex, there would have to be 8 separate lotteries – unless we went to one mill or condo project – 8 separate sites would need to be – I think we will try to continue to talk with DHCD – Natick Mall housing project is trying to do affordable off-site and get them all in one place (Barberry’s Natick project) –

Bob – are we required to do it according to DHCD?

Susy – yes, if we want it to count toward the 40B 10%

Jim – if we can identify an off-site place where we can get 8 places we will pursue that – if this was a 3 year build out . . and we could do it over a 3 year process . . .

Jim – we have had many meetings with the DRC – we are down to just one thing which is the 4 units out front – we met with them last Monday – we were going to try to dress up the front 4 units and get it done by Wednesday and get that info out to the DRC – I understand that certain members are not happy so the DRC letter has not completed its letter – Henry the architect is here

Jim – handout –

Henry Arnaudo – HPA design – we have spent some time with the DRC – what we are stuck on is the first four units on Winthrop Street – we filed something last Wednesday

- had some conversations with Karyl – here is a further revised version – what we have now is not symmetrical – 4 different units now – different massing, portico treamtnmntns – all still rear entry, garage in back, - cape unit, 2 story gable, 2 story shed roof portico; last unit is 2 tory with salt box style to create an entry – being pushed gets better results – I do commend you for pushing us along . .

Karyl – the beginning of this project we had talkeda bout what styles of architecture they might come up with – new england – varied roof lines – big house with small house loo – whatever building you decide to have out front on Winthrop street that is visible – it was going to be very important to the town – I should think it would be imoprktant to the applicant – model home, sales office – that is where you would make your best statement – oddly enough in the material that was sent in last week – we saw some triplexes with some interesting end units – they had come a long way - except the 4 units in the front hadn't been addressed – we asked them to work on it – we pulled up minutes from DRC meeting sand suggestions we would like to see expanded upon – surface materials – stone – and last week we thought that we got something new and we just

Karyl – look at two center units only they are flipped – nothing has really changed – making it extend beyond the box – make them different –

Karyl – in the site plan, there is not a finite footprint of each hosue – it seems to be like we are pulling teeth – we are not getting anything very dynamite

henry – that is really insensitive, we worked on this for 10 hours

John – honestly Karyl, isee differnecnes in proportion and extending on different lines – gable lines are significant – broke the line on the windows on the dormers with the fascia of the roof and separated into two pieces – they added some more gables – the biggest part I like is the proportion of the gable ends is more pleasing on the new version –

anndy – maybe some get different surfaces

henry – if we do vinyl – we will probalby use AZIC or fiberboards – we haven't talked about

Karyl - stone on these 4 units

jim – we have been in front of the DRC many times – we have not spared any expenses – every time you change the roof line and make a different dormer it makes it expenseiv e

henry – this may suffer from too many variaotns – we have 2 bedrooms with master on first floor – ther eare only so many ways to skin the cat – look at closely, not arbitrarily – we hurry up to refile because we want to try to close the hearing – we rushed last week –but we are getting subjective feedback which could change – the program – upstairs bedroom and loft and bathroom – you can only go so far – these are 18 feet apart – I have to answer them in the context of the site – there is a finate amount of dimension here

rob – you aren't really evengoin to see them that well from the street –

Karyl – I will say it is some improvement

jim – we don't want to put stone on these in front because we aren't going to put stone in the back – we are going to do a good project here – 118, to 86 to 80 – huge landscaping plan – the DRC is advisory, they want to give us some direction and not design individual units – we have listened hard to their suggestions – Henry has taken notes and comes back with revisions – we are going to be in the ground in June

Chan –

Karyl – the issues that we had about losing the box – this newest version from tonight is more like two versions ago.

Andy – I see more details, more defined rakes

Karyl – still same consideration of the box, the box – nothing has changed

Andy – the streetscape is going to be greenery

Henry – the units can be staggered back and forth

Rob – I have been involved in the 7-8 over 55 project has been done – the floor plans are all pretty much the same – people are not selling these for big money – there are two projects in Holliston – Balancing Rock

Karyl – I hate it – it is repetitive –

Karyl – we think you have done a marvelous job with the styles and layouts on the inside units – we are asking you to step up to the plate on these 4 front units

Henry – if I were to move into this development- I would pick one of these four – the other ones are the same – these have classic lines – traditional in nature and face the street – maybe we have gone too far in

Karyl – have you heard what we said about the box?

Rob – you can't build L shaped –

Bob – I like the styles he has shown here – I would hope that what they show out front would be consistent with the rest of the complex – when you had in the tree snail landscaping, I think you have a reasonable product – I won't say outstanding or substandard for the locale in which it is located . . .

John – you know the weight of the recommendation that I place in the DRC -0 but I feel this is very nice –

Chan – I think the board has to come to grips with whether we are getting Karyl's opinion or the DRC – I have a great heartburn with detail meddling with aesthetics – architecture is an art – I don't think these are objectionable – I have difficulty with the board knowing where it is going to come out – we have to find out where we are going here – that is my two cents

Karyl – it is our job – we are not talking about some epitome in architectural classicism – we are trying to improve every project we can that comes into the town of Medway – especially what we have to see – every incremental step is important – this isn't just my opinion – but mine plus the opinion of others on the DRC – especially since there wasn't going to be a community building – have they gone far enough? Maybe not – they have done a great job inside, and rob on the site and the landscape architect – if the architecture is not going to go any further, maybe this is as far as I can go – it seemed like there was more arguing than working on details – yes, it is an improvement

Karyl – I find it offensive that you feel my attitude means that I don't want the best of Medway Planning Board

John – bravo to the DRC and Henry for where you have gotten this . . I value the DRC's opinion

Chan – I do too

Jim – we have changed so much with the site . .

Andy – preserved a lot of the features of the land

John – Karyl suggested this and the applicant gave us so much more

Jim – you have to trust us at some point –

Henry – the floor plans are not set in stone – has anyone set a criteria for how far apart these will be – we aren't done yet . . .

Henry – commend you for the work you did on McDonalds – that is the only 4 sided –

Henry – our project doesn't end here - I work with many developers, the issue is how much pre-permit dollars do you put in before you decide what to do . . .

Rob – with this type of project, you have to do a really nice job

Andy – what the drc does for us allows us to not have to spend an inordinate amount of time on design issues – somewhere in the middle –

Jim – the project is better than when we started – buildings, everything – there is a point

Susy – the DRC meets next week – ask them to give their letter of recommendation . . .

Andy – please relay

Chan – I don't think Karyl's perspective is necessarily that of the DRC

Karyl – I get called a liar tonight

Andy – Gino, do you see anything that needs attention

Gino – I did not

Rob – there are several waivers that I am requesting – I would like to go through them with you tonight – very quickly – handout dated 2-13-07

7.7.2 (p) 0 detention pond #5P to be closer than 30 feet to the lot/parcel line

Rob – I need to know whether this is an issue – tell me if you want me to work out a different solution

Karyl – it needs to work so it doesn't impact the additional lot for the vernaglis

Rob – I have to do something – I can hide it underground with culvert or something –

Paul – it is tight in there

Bob – he has to come up with a workable solution and he has to sell it to us

Rob – culvert would not need a waiver -

7.7.4 b – use plastic drain pipe in lieu of reinforced concrete pipe

OK

7.7.4.d) – re independent drainage system for foundation perimeter drains along the proposed roadway

Rob – I talked to Bob Speroni – there doesn't seem to be a need to do this if all the foundations are above the water table

Rob – Paul makes a comment about the roof drains

Paul –

Rob – all units have full basements –

Chan - the

Rob – I can provide you with that info – spring high water –

Rob – I have a lot of underground utilities – to add another independent system would be very complicated

Paul – provide the cellar elevations

7.8.2.b) – centerline radius is supposed to be at least 150 feet –

Bob – I would be concerned about fire equipment access

Rob – we have a letter from the fire chief that the site is OK – he saw the plan with these radii and he is OK

7.9.2 (d) – 30 feet curb radius – OK

7.9.5 a – ask for a centerline – 1.5% slope is on road A –

7.9.6 e – smaller cul de sac – asking for 90 ft vs. 100 ft – minimize pavement, etc.

HAVE ROB DRAFT UP A MORE FORMAL WAIVER REQUEST

7.9.7 g) – width to 22 feet

7.10.2 – curbing – request use of vertical concrete curb vs. sloped granite edging

Chan – I don't like it

Rob – use it in Holliston – route 16 – 1750 Washington Street across the street – subdiviosn – we did it back in the 80's -

Chan – another reason for the slope is to help with the snowplowing –

Rob – if we do go back to the vertical and sloped granite combo – we would use vertical – all roundings and common driveways off of roads, where any off street parking, and sloped everywhere else

Paul – label the differences

7.13.2 – asking for 5 ft sidewalks vs. 6 feet – OK

Paul – did you give us floor plans –

Andy – an early discussion going on how to handle the bonds –

Andy – look at a phasing plan

Rob – look at the requiriemetns for bonding under the subdivisionrules and regs

Jim – I will have to sort this out with our contractor

Andy – phasing ties to the bonding –

Rob – we will come up with a phasing plan

Paul – you will add some more detail on common driveways -

Rob – do I need to show all the bulding dimensions on the site plans?

No – just the setbacks and the floor plans

Rob – crosswalks across Winthrop street

Paul – you will need handicap ramps then

Paul – we still need perc tests for the infiltration basins

Rob – will get that for you

Paul – the design points for the drainage need to be at the property line - a few other items from the letter – logistical sessions –

Rob – I didn't see anything that I wasn't able to address

Paul – retaining wall –

Rob – interlocking wall – you won't ever see it . . .

Rob – on the bylaw, there has to be two types of housing – condominiums and subdivision – I think that is crazy – one of my thoughts – is it a possibility to simplify the subdivision process – could I create lots around the 4 in the front –

Think about the how to do the subdivision?? Let's each think about how to do it . . .

Susy – mitigation . . . discussion – for sidewalk construction on Winthrop street –

Payment in lieu of sidewalk construction –

John – can we look at the connecting street – Clover – is there anything that is needed along there?

Andy – a lot of kids will use Lovering street to cut through to get to the fields and hill street neighborhoods . .

Jim – what are you asking for – build sidewalk elsewhere – look at some options . .

Rob – looks like it is over 1,000 feet of sidewalk –

41.08 – w/mason – general fund – OK –

VHB applegate – plan review – ok – all yes - 1035.78

PH continuation – March 13 at 7:15 pm – both hearings – motion – bob, Karyl – all yes

Announcements

GATRA –

Motion to extend on river bend to march 16 – all yes

*****8888

Met with water and sewer on Monday night to discuss the possibility to participate in the RFP for consulting services – they flat out did not want to participate – I also spoke with them about the well project and the zoning and the proposed changes to the zoning – how was their taking proceeding – they are moving along well – it seems like the timing will be very good so we can consider proposing the zoning change for town meeting – Lally property . . . I commend them for moving it along as aggressively as they can – 200 foot circumference no construction and then a wider circle to limit types of uses –

Swenson granite –

Susy – how to handle the drainage review

Paul – it would be like .1cfs on the roof runoff –

Rob – it is less than what their current building is putting out – they probably spill out now onto the grass -

John – there is a swale/vegetated ditch that runs along there –

Bonding Master Update Report –

Andy – asked Dave to take a look at what work remains to be done –

Andy – we as a board need to know where our role is – what is our jurisdiction . . . – legal function -

Bob – the town hasn't done a lot of these kind of things –

Andy – new financial efforts – treasurer, town counsel

River bend deadline extension –

Cptc – workshop – resend it to everybody

Bonding handout - . . . next steps - . . .

Motion to adjourn – 11:20 pm

Medway Planning Board Meeting Tuesday, February 27, 2007

Present: Andy Rodenhiser, Chan Rogers, bob tucker, john Schroeder, Karyl spiller-Walsh; Eric Alexander

Also present: Susy Affleck-Childs, Paul Carter/VHB; Gino Carlucci/PGC Associates; Adam Costas/Blatman, Bobrowski & Mead

Called to order at 7:03 pm

Citizen Comments

Andy & ??? Avellino – we want to talk with you about changing the zoning – Commercial V

Andy Rodenhiser – to make it more congruent with what was proposed last time – the board would like to hear what you desire

John Schroeder – I think the Avellino family has a large interest in the C5 zone –

Chan Rogers – I don't think there is any question that the site should be developed commercially – an all night gas station and a 12 pump facility were just too much – definitely a business oriented operation – sooner or later that whole stretch of summer street down to main street will be business

Andy – I agree with you –how does the board feel about changing the zoning to make it by special permit with an automotive and drive thru use

Karyl - I want to go back to when we changed the zoning – willing to work with you and bend with you- you are what they want to see there - we need to talk some numbers – the town of Medway changes the zoning – I would consider myself to be an advocate for the site

Andy – help to determine what the scale should be – benefit to go into town meeting with a zoning change that would speak to the issues that were contentious beforehand – go to DRC and work with them on issues of size, scale, setback – size of canopies – we could have you work with our consultant to craft the language necessary – to make it an allowed use by special permit

Chan – something like a gas station should be subject to a site plan review –

Andy – with a special permit, you would be able to allow for other drive thru

Andy Avellino – a gas station is not our first choice – I think a gas station and a drive thru by special permit is all that is needed – whatever the DRC and the board feels – if somebody does come to us and asks then we can have an answer and give them size dimensions –

Karyl – the town will vote whether they want to see a gas station there

Andy r – town wants to see commercial development – benefit you guys and residents who would view some appropriate development there

Karyl – going to town meeting in hand with something to show them – show them what it could be – how good it could be

Andy – we would go to DRC and talk about scale

Andy r – Gino and myself could craft a timetable

Chan – it may be 4 months to town meeting, but these things need advanced time e

Andy r – neighbors will want to comment – we will do a public hearing

Bob – you have an idea of what some of the issues are – what wasn't discussed is permeability of the land – make sure you look at that

Andy r – we are looking forward to working with you, we have an aggressive time table – we have at least 10 items we are working on between now and then – some to tweak and some more complex things we are going to be working on

Sam Sicchio – informal discussion re: possible subdivision at 122 Summer Street.

Sam – it is such a unique piece of property – the way it comes in, I wasn't sure what the options were – or how it works

Andy – is this an existing non-conforming lot - all you have is 15 feet of frontage

Sam – is it possible to make it a private way?

Andy – 40 feet row – it doesn't look like you have enough width

Karyl – is it a possibility to acquire some more width from the property next door?

Sam – it might be, are there any other options?

Karyl – is there a lot of wetland back there?

Sam – yes, thank you

7:17 pm – Eric arrives

River Bend ARCPUD Public Hearing

Rich Cornetta - there is a new face to introduce – Paul Soughley, president of Abbott construction – what I would like to do is bring the board up to speed – at the last meeting we were discussing sequencing and performance guarantees – there was certain language in the draft decision re: minimum requirements for infrastructure before building permits – we needed to go back and take a look at our construction sequencing plan – to propose how we plan to build this

site in the interest of keeping stormwater management and erosion issues under control – I would like to let you know – I have had a conference with Susy and attorney Bobrowski to discuss language changes – also a conference between the engineers John Spink and Paul Carter to go thru nuts and bolts of what we want to do to iron out some issues – we also met Monday with Bob Speroni to discuss the proposed sequencing idea and how it will relate to permit and we had an opportunity – Paul was present at that meeting – nuts and bolts about how things would be done – I thought it was productive – I believe you have before you another revised decision with specific sections that speak to the timing – we have a couple of additional waiver requests – turn over to John Spink

Andy – Adam, are you up to speed

Chan – have you converted this to a plan vs. a narrative?

John – good evening – this is a 3 year construction project – I am going to go down thru the sequencing of how we are going to attack the site and make the drainage, stormwater work – roads, sewer, water and when we start to do houses – the whole process – primary road system is a bit more than a year – a house is a 6 month time –

Day 1 – site – send in silt fence and surround the entire working area – no hay bales, ConCom doesn't like them – at some time, we will use mulch tubes –

Next – we put in a short entrance construction road – take out the top soil, put in enough base for trucks – 100 foot of asphalt and 100 foot of rock – keeps the town roads clean –

Next – we start building the road to the drawing – we will cut a swath thru here of what we need to clear – construct temporary drainage system – goes to the wetlands – we do the drainage daily – the only utility in this will be the water – we have 2 wetland crossings – we have to get to the back section and across the wetlands –

Next – construct the crossing, culverts – as soon as we get just across we will put in the roadway berm and a set of swales to create a large detention basin inside the roadway – just a swath

Next – proceed with continuing the road to spec – as soon as we get to that point, we start to build houses

John – there is a club house and a model – when you guys execute the special permit with a covenant – we will put in that short road – pull a permit for the club house and we will give you a letter of credit for the full coverage of the rest of the job and services and roadway – full amount at that time –

Andy – when you begin to seek building permits? Do we have sufficient language?

Adam – there is a timetable on page 24 – explains – initially the covenant and then convert to a letter of credit

Andy – I want to be sure we have adequately addressed – so when you go to get the building permit, there isn't a time bomb to blow up

John – VHB will be out there and VHB will keep you apprised and give you its OK - see section 22 of the decision –

Adam – we will probably want to polish some of the language

Paul – the sequence starts on page 24 and 25 and then more detail on page 26 – 27

Rich – that is correct. .

John – the road gets ahead of the houses and we would probably pull three permits at a time –

Next – we start from the top and come down the easterly drive – build the road to spec, keeping the construction control in the drainage at all times – make it work each day before they leave the site – get to the crossing – land is not cleared until it is really time to build the house – do the drainage around house is in place when you start to put in the building pad – sequencing is construction drainage road, individual drainage, then pad for houses –

At this point we have a loop road and all the utilities done – we can manage this and do individual drainage systems for the interior houses –

Chan – later, you should have a composite plan - ultimately you have to have a plan to show the work to date when you go to pull the permit – I want to see a plan of what is done when you seek the first permit –

Clubhouse and first set of units is after the first 200 feet

Bob – handy to have

John – at each one of the building permit pulls, VHB will clear it and tell us and then we tell bob Speroni

Rich – bob will come out and

John – after the loop road is done, we start down the outside and then at the most southerly –

Bob – I think it is a vast improvement – shows some forethought – congratulations

Andy – I have great sympathy for your excavator

Susy – I would like to see a visual element of this to have in the file

Rich – once we have completed certain sequencing and VHB has done their review and says this part is done,

Rich – bob Speroni, indicated he wasn't so much concerned with the infrastructure –

Andy – so Paul can reference them as building # such and such on Parkwood drive

Paul – when we look at the decision – the general understanding – you aren't going to ask for a building permit until the road is built up to binder and drainage and utilities up to that unit – I

would say past the unit – and the second basic – you are not going to ask for an occupancy permit until all the road is in and final drainage for the whole loop – make sure there is some language for signs and stops signs – and provide as-builts for things along the way for the occupancy permit – this is good and shows a logical sequence e- I want to have those minimum things very clear – building permit and what as to be done – occupancy permit and what has to be in place – explain the process -
VHB to PB and PB –

Rich – we would want to avoid having to keep coming before you –

Adam- it wouldn't be necessary for them to appear before the board – they could provide the paperwork to the board – it would have to happen as a decision of the board, but the applicant

Lee – from the time VHB comes out and inspects and then a PB authorization

Susy – roughly 2 weeks

Andy – are we adequately addressing how we would handle notifying board – we are dealing with this now as condominiums – we are cutting our teeth on this now –

Chan – is a letter of credit going to be acceptable

Andy – treasurer has OKd it

Susy – there would need to be an agreement to go along with the letter of credit –

Bob – I feel much better – this is a vast improvement – thought about what the drainage impacts are – that is what we were really after – thank you for stepping up to the plate

Karyl – could you go back to me – to the swales and drainage before you put it in any units P-3.5 – how will that work

John – there will be a road berm and detention basin berm – swales will direct water southerly – big forebay –

Karyl – it has a separate function in the initial stages to direct the water down

Paul – as part of that, you may need to design some risers with some overflow to direct water to the detention area for the temporary measures

Paul – there are some specific language suggestions

Rich – we understand the language needs to be polished a bit more –

Chan – what language are you talking about?

Rich – the language that is in there – the sequencing section –

Andy – pages 22-27 to

Rich – we have been working on this and agreeing to stuff up until the sequencing plan and the performance guarantee – we will work with Mr. Carter, and Adam Costas, to make sure

Adam – please email your comments

Chan – pages 14 and 20 have some inconsistencies between them on boats – prohibited outright vs. permitted by special permit?

Chan – question on page 23/top paragraph concept that the town would pick up and remedy any defect in the infrastructure construction – I can't believe the town will do it even though the money is available

Rich – I believe you are reading from the performance guarantee section – it is allowing the town the authority should the developer not carry out the work – this is from the subdivision

Chan – the town is not going to get into the business of doing this work -

Andy – let me pose this question, what if the developer goes bust in the middle of the project, and there is work left undone –

Chan – emergency situation – OK, but the town is not going to finish off a project that is left unfinished –

Andy – I can imagine a scenario where they have half sold – and they go bankrupt - there might not be enough of a condo association

Chan – the town might have to go in and fix up something in an emergency, I am sure the town is not going to want to go in and

Andy – are you making a suggestion we change something –

Chan – I haven't heard how this will be consummated

Rich – if I understand your comments, I don't know if they are directed to the applicant as to the other members of the board – policy discussion with the board – more of a hands off approach and not get involved in a performance guarantee – this language has been inserted in the text of the decision because of your subdivision regs – if that is different, then certainly we want to here – this language is not an obligation, but it allows the town to go after the letter of credit

Chan – the town is not going to help a developer complete the project – they are going to look for somebody

Andy – are we comfortable

John – yes

Bob – yes

John – yes

Eric – yes

Chan – no - every bit of it can't be looked at like a standard subdivision

Rich – we had a couple of additional waiver requests –

See handout dated 2-26-07 from Spink -

5.20.2 a)

5.20.2 b) – to allow for a letter of credit in lieu of a cash bond

Rich – I was looking at this, in the section on condition #20 – in calculating the amount of the performance guarantee – we are suggesting 10% plus inflation

Susy – Paul does the bond estimates – how to handle

Rich – we will withdraw that particular matter

Bob – I want us to be consistent

Eric – I move we accept the waivers as presented tonight for 5.20.2 a) and 5.20.2 b) – seconded by Karyl - - Chan, Andy, Eric, Karyl – all yes –

Chan – after the sequence on construction, there is a section on fire protection, I would like to point out – is the fire chief

Rich – we would like to nail down the language for both decision – cert of action and special permit – at the next meeting, I envision having a document that is almost ready to be signed – close the hearing, and perhaps sign that night or shortly thereafter –

Continue to 8:15 on March 13 – motion by Chan, seconded by Eric – all yes

Invoices

Motion to print envelopes – FSU - \$74.92 – general fund account – Karyl, Chan – all yes

Motion to approve payment of books – to SEAC - \$61 – come from general fund – all yes
PAS report on performance guarantees

Motion to approve payment of \$250 – CPTC – general fund – motion by Karyl, Bob, all yes

VHB – Plan review fees – 3811.38 – Plan Review Revolving Account – funds paid by applicants for the review of plans – Bob, Karyl – all yes

VHB – CO - \$ 1480.21 – Chan, John – all yes – Karyl recuse . . .

8:30 p.m. **Marian Community ARCPUD Public Hearing –**

Bill Proia

Rich Coppa

Bob asked to make a brief statement

Bob Tucker – I have had a number of emails concerning this applicant over the past few days – I have reviewed a good portion of it already, and I have a couple of concerns – certainly the PB gets picked on for the timeliness of review – is the adequacy of responses to the questions and comments provided by our consultants a- when we ask our consultants to make comments, we expect they are taken seriously, responded to in full and in a timely basis – when I get a document that lists out 29 addressed comments, ___ partially addressed and ___ not addressed at all. I find that unacceptable. I don't think we should be wasting any time with this applicant until they can answer the questions and comments – we are owed a reasonable response and take action – thank you.

Andy – I have to echo what Bob has said – I have taken telephone calls from future residents of your community asking what is happening – I have tried to explain what is going on – but I think you have a duty to perform on your end as well and communicate back to your buyers – it is not entirely this board's fault that we are the stopping board – we are trying to be cooperative and helpful – you are your own worst enemy

Bill Proia – I didn't know about what communications you are referring to?

Andy – he is referring to the VHB review letters

Chan – I would like to follow up with Bob said, I think you are obligated to either accept the comments or indicate that you need relief – I am trying to urge them to properly respond to the comments

Andy – we have a town meeting coming up – we are literally going to have to meet around this project

Bill – I hear you, my personal apologies for our delays - I did have a chance to speak with Bill Drexel today – he believes there are some formatting issues that the info may be there but is hard to find – Bill Drexel says the work has been done – there are certain things that need to be done – I know how busy you are and how accommodating with your schedule – Rich Coppa is here – I had no idea that you were getting calls from the future residents – we have let them know that there is a lot of work – it takes both sides to make this work

Andy – let's go forward from here. . and see what we can get through tonight

Bill – I am going to pass out a conservation restriction and master deed

Bill – we heard the comments about the bridge – and you asked for a different design – we have looked at more of a wall design

Andy – this hasn't been to the DRC has it?

Bill- no , we wanted to get your feedback – stone piers and concrete wall with some inlaid panels – colored concrete cast in place with a finish on it – the issue we had with that is expense – that is probably a \$50,000 expense – we also wanted to go back and improve the last design which

was a guard rail fence behind it – John came up with a detail for us – a guardrail – timber with a black aluminum fence behind it rather than a chain link fence as we showed last time – it would be like the CVS bridge at Medway Commons with a timber guardrail – price differential is probably half – since this has been accepted by the board at other locations, we hoped it would be OK for you –

Paul – where would the parapet be?

John – still a short parapet on the side,

Bill- we would like to do the CVS type fencing with a timber guardrail

Andy – is there a drawing of that

Paul – but the bridge has a retaining wall – how would this wooden fence go on a retaining wall?

Andy – how is this going to work

Bob – can we defer this over to the DRC and they do a good job at it – we are wasting time

Chan – this is a not a matter of aesthetics but what is acceptable highway wise

Andy – the building inspector has told us that we have no jurisdiction on the construction

Bob – there are mass highway dept regulations – they have to follow those anyway , it will ultimately come down to an aesthetic issue – there are a number of ways to build these – which one of these methods – which ones are we going to recommend be built in this town –

Paul – one thing about a wooden guardrail – I understand it is preferred from an aesthetics perspective – this is an incomplete detail – we really need a better –

Paul – wood posts, wood block – but the guardrail itself from a safety point of view should be steel, particularly where there is a drop off – the board may prefer a cortan option – at this point the board doesn't really have a proposal – how does this go together and be constructed is not clear

John – may I come back at this a different way – the structuring of the fence and wall will be structurally sound according to MassHighway – what we – we have somebody wanting this kind of wall – we can design all three – the question is we can give you anyone of those three – what is called out is a cortan steel guardrail

Eric – I think it would be more productive to go before the design review committee, a committee to which we defer

Chan – all I am saying –

Bill – I think john put his finger on it – we can design it to meet the crash standard, we are just trying to get a sense of the board – it sounds like you would rather us go to the DRC

Paul – I don't know how you are going to design a guardrail to connect to a parapet wall –

Karyl – lets make it clear – this applicant and the DRC have had peripheral discussion about what the bridge will look like at the very early stages – with use of stone and that is what we would tend to go toward – we have also said that retaining walls will firstly look at stone – look at faux stone – there is no misunderstanding here about what has been suggested here – the ball is in their court – they are appealing to your sensitive that this would be less expensive e- our goals are a little bit higher to see a better facing

Andy – I think I would suggest that it is the board's feeling that you review the bridge with the DRC.

Bill – we wanted to talk about the tree warden's visit to the site –

Rich – We had walked through the wood s- he observed the trees that would be saved and taken down – he said he thought we were doing minimal disturbance – he suggested we contact Norfolk county aggie school to see if there might be a project on woodland management – if that is possible, we would pursue it with them

Bill – is it his practice to send something to the board?

Andy – he would meet with Susy

Bill – we will get back in touch with him and ask him to do so. .

Bill – update on the other appearances before the other boards in town

Rich – full set of plans will be submitted to the BOH and VHB's rep Brian Lynch will review

Paul – what is the status of whether they are a public water supply –

Bill – we submitted

Eric –DEP is unwilling

Bill – they just don't do it – if you have a public water supply, then you have to get a permit

Bill – BOH has asked

Paul – my understanding is that the BOh still wants to get something from DEP

Andy – can you draft us a letter

Bill – I can send you a copy of the letter we sent to DEP back in the summer –

Andy – and commit to us that you believe

Paul – didn't you submit some condo documents to DEP or legal review – because that is the basis for your belief that you have private wells

Bill – we sent a letter to them stating why we believe we are private - the regs say if you have a public water supply then you have to get a permit –

Paul – whole different set of criteria for public water supply –

Bill – I think Susy can attest to the comprehensive nature of the DEP folks that were there – we had a thorough review with them and provided the info we have requested – if we had a public water supply, we would have to

Andy – give us a copy of that letter – we will consider that

Susy –

Chan – the DPS must come up with a salting plan and he can't salt within a certain distance of private wells. .

Paul – they are showing the wells on the drawings –

Bill – if there is more info you need us to show

Paul – I understand the sewer design still is not completely shown – I assume that will be part of submitting the septic systems – perhaps the water department should review the plan s- BOH says the wells are not approved –

Andy – read comments from BOH note from Bill Fisher –

Bill – if he means DEP hasn't made a determination on public or private, we will talk that through with BOH – but if it is about the separation of wells and septic

John – I don't think there is any jurisdiction this for water/sewer

Paul – I am mostly concerned about the gravity sewer issue

March 19h BOH – Monday

Bill – I will send you the

Andy – I will go to that. . Let me know the time.

John – we have not yet submitted a notice of intent to ConCom – we have been talking with them – at this juncture our wetland crossing is under 1500 sq. ft – significantly reduced from when we started – we will probably within the next 3 weeks file it – waiting for one last round of VHB reviews –

Susy – so maybe April for a ConCom

Bill – the ZBA, we have the comments back from Paul on the flood plain, john has some things to respond to Paul's letter –

Susy – I can't remember, did you withdraw?

Bill – yes,

Susy – so we will start over

Bill – comments I heard loud and clear on expectations of performance and response – the intent is to respond to comments we didn't ask for waivers on. .

Paul – one of the comments relates to the ConCom filing – you need to show grading for the emergency access

John – there is a wetland crossing, etc.

Paul – the plans were quite a bit more readable – better presentation all around d- there are some half sizes of the plans for the board – there needs to be some work done on the drainage 0 if the board want some to go into more detail. .

Andy – it is our desire to just kind of wrap this up. .

John – the next time VHB reviews your plans and writes their comments and it says partially addressed or not addressed, will you fix the plans before we see it again? We just want the questions answered – we rely on Paul – that is the information we need – I wait for him – rather than this half information, please answer their questions before it comes back here

Bill – I went through the letter – there was a lot of specific about what was missing and how to fill the need. . We don't intend not to – our intent is to submit a package that is responsive –

John – when VHB writes a letter and says there are problems – address them – I don't want to see it

Bill – or if we have gone as far as we think we can go, and then we can hash it out

John – coming to solutions together. .

Bill – we will as a team go back –redouble our efforts in that area

Bill – mitigation – I generally

Andy – I think we want to see more of what is happening here

Bill – I want to tell you about one change – we aren't proposing anything more for lot 3 – the idea here is that we would develop a small piece of that in the future – you had asked us to relook at reconfiguring this – we heard you say that you felt there weren't any broad open space near the town fields – so we still want to be able to do that – the path running through lot 3 is still on the table and is shown in the conversation agent

Nancy Maxwell, 20 Diane Drive – I am concerned about lot 3 and the buffer zone – I just want to know –

Bill – there is nothing proposed on lot 3 right now with this ARCPUD

Nancy Maxwell – our property lines are pie shaped

Bill – the general point – we are not doing anything on lot 3 right now – in the future, if we do anything, it would be on the down side of the ridge on the north side – the ridge would create a natural buffer - a lot of that land just can't be

Andy – so you would be willing to entertain a deed restriction on lot 3

Bill – there are members of the community that want to live on lot 3 – we would file under the open space bylaw – you would review it under those standards – even saying that there is nothing on the table –

Bill – there were some comments about impact on the soccer fields – the ridge would be a natural buffer –

Nancy Maxwell – 300 years old pine trees and uplands

Bill – the chair asked about a deed restriction -

Andy – if we are not linking the two, how can you represent to us – would you consider a deed restriction?

Bill – we had it on the table before, I remember

John – lot 3 is not on the table

Karyl – I notice it is being called lot 3 again. . . we are talking about the same piece of land – the applicant owns it and we do have a right to express our interest because it abuts our soccer fields – it should be a buffer – very important to us and it is something the applicant could provide, it would be difficult to come back in with an OSRD because you will have to use the ARCPUD infrastructure to get to it – it is on the table as far as I am concerned

Paul – the 22 foot wide road has been extended to the emergency access –

Andy – still to be gated

Paul – and the road would still to be one way beyond the parking area up to the emergency access. .

Bill – with that lot 3 discussion, I wanted to talk about another issue you had – devotional area – a question about whether it can be part of the Arcpud open space e- we are saying yes – we understand that adding it to the ARCPUD open space that would improve the overall open space proposal – we are making that offer – we are going to include it – we would like to categorize it as a passive/active – for picnics, gardening, walking, benches – we have a list of the kinds of proposed uses in that space –

Susy – how big is that area

John – pretty close to 10 acres -

Bill – it would not be part of the protected under the conservation easement –

John – the special permit would designate it as open space

Bill – we don't plan to build any structures on it – we could have some conditions related to that –

Adam – we had a discussion a few months ago – I think they are saying it would be protected open space (x, y, z activities) but not pure conservation easement –

Karyl – I wanted to ask Adam about anything that I said about lot 3 that

Adam – in my opinion, you can't require the applicant to do so, but you can ask for it – when that time comes,

Adam – ok to express that now

Nancy – I appreciate you thinking ahead about the future plans – speaking for the neighborhood, we are tax payers too – I want to make it that it works for everybody – abutters and town – it needs to be put into play – if you have to put open space in here for the wish list so we can be happy neighbors – so there is not ill will – somehow it gets written that that access road will always be gated – our great fear is that 5 years down the line when you come in with the OSRD, that you will say the gate has to be open and access thru our neighborhood – I think you have to do that give and take – I wish it could be 300 feet –

Bill – we don't know what it will be – we haven't designed it – what you have expressed – we want to be good neighbors – we are going to be there a long time – we are being sensitive – it is give and take –

Nancy - it is helpful to be up front and to put all the cards on the table -

Bill – it would have to be a special permit to do the OSRD –

Nancy – I am asking it be in writing

John Fernandes, I represent an abutter – we have been monitoring these meeting, my client has authorized us to do a similar review – we have not invested that kind of effort because you were still looking for more information – as this is starting to take more traction k, it sounds like we are going to begin our review – then we would present something to you from our perspective – I think we are ready to start making that kind of analysis

Bill – we have been in touch with John and his consulting engineer and providing him with the info

Karyl – John, do you have any opinions or observations?

John – at this point, I don't. I would like to withhold those comments until I have some engineering review and looked over some of the legal issues that have

Nancy Maxwell – re: the wells, do you have an impact plan on what is going to happen to the aquifer – that is my concern – what about the impact on the abutters

Andy – I think you will need to go to the BOH meeting

Bill – what we are doing – we are complying with all the applicable regs and rules -

John – we need two weeks to address VHB comments –

Andy – I would suggest that you work this out with Paul

John – my commentary – we pick a date and if we can't make it, we request an extension

John Schroeder – will you get a bridge design to the DRC –

First Monday in April for DRC –

Eric – April 10 at 7:15 pm to continue

Eric leaves

Swenson Granite Site Plan Public Hearing

Rick Merrikin – we have an application here for a very small addition to the Swenson Granite site at 10 Main Street – basically, what is going to happen – on the existing building – a little extra office space – they aren't intending to increase the business – just going to be added on to the end – in conjunction with that, I understand Swenson owes the building inspector a handicap space and ramp so that is why –

I got the letter from PGC Associates – I did prepare a short response to his comments –

Rick –there is no change in the site other than for the landscaped area next to the building – edge of gravel would be the same- no pavement – no additional landscaping or drainage is planned – we have ConCom approval and zoning approval as well –

I will go thru Gino's comments really quick

It was allowed by variance by the ZBA in 1996 and it was updated shortly

The drainage – we did drainage calcs and there was no change in the runoff because the roof area was so small. It is al pervious surface that helps.

The stream running thru the site is kind of an interesting situation – what Gino is referring to – before they built this building – there was a drain that Rosenfeld built thru t he property – 18 inch pipe – when we did the original building - . . . we did at the time submit a letter to the selectmen from 1996 – there was no question – it was a construction thing s- it is a catch basin instead of a manhole – my guess is that we put a new precast structure in there and specified it have a sump,

The 8-9 parking spaces – when we did the existing conditions plan, there are no lines out there because it is gravel – we simply took the amount of space in front of the building in – we just guessed

Gino – my comment is that you showed it on the exiting conditions plan -

Rick – the question about the impervious – when I was talking to Bob Speroni, he said he might require the handicapped space to be paved. What he said, is if he does require it, it supersedes the PB –

Andy –what would you do for asphalt if required?

Rick - we could use a pervious pavement – there are some soil cement mixtures

Rick – I did add the gravel drive from mark road

Rick – as far as the landscaping around the edge – they may be stocking things closer to the property line – remind them they need to keep 10 feet off the property line –

Rick – I changed hay bales to mulch tubes for ConCom

Rick – I think that does it – the rest of Gino's

Rick – I did make these changes I referred to and will give that to you tonight.

Andy – right off the bat, comment #9 from – they were supposed to install some landscaping

Karyl – it is right on route 109 – I think with some modified landscaping plan and some minor architectural improvement s- I think this should go before the DRC also –

Bob – are you matching window types and siding

Karyl - I think it could b e improved a little bit

Monday DRC meeting - . . .

Bob – the only thing I would say if they made a commitment back in 1996 to do the landscaping – they should show some good faith –

Karyl – use their product

Gino – on the catch basin in the middle of the yard back there - the 1996 letter does refer to a . . . but it is in the middle of a grassed area – maybe more important, it was supposed to be checked annually –

Bob – I haven't seen any floods – if you offered that info up on their behalf –

Susy – we could require it be cleaned out and provide an inspection report to us as part of the decision –

continue to March 13, at 9 pm – Karyl, bob

Pine Ridge – Continued discussion on performance guarantee

Paul Yorkis
John Claffey

Susy - there is a revised bond estimate from VHB, I forwarded that to John and Paul and asked them to look at alternative forms of performance security

Paul – I do want to express to the board and Susy and Paul, our appreciation for positive dialogue regarding this – I think everybody so far has been willing to look at this in the broadest possible sense – I want to state that for the record

Paul – I would like to review this letter – this project has been and will be inspected by VHB; the applicant has a series of private agreements with the abutters – the applicant has a bond in place for candlewood drive – refer

Andy – there is a big difference between 60,000 and 158,000 bond estimate –

Chan – this is not like a subdivision – I feel that what he is proposing is reasonable and what is acceptable – these are brand new concept s- the point I am making – the cost of whatever you charge the developer is going to be added on to the sale price

Andy – what cost

Andy – the tri party agreement would not be an expense to them – it ensure that the actual infrastructure gets built –

Chan – I am very adamant that we are being very unfair to these type of developments when we stick to the old type of subdivision bonding – they have an incentive to finish the job, it is part of the business of selling the product – we should be willing to adjust to the new concept – I feel to ask for a bond for this much is unreasonable –

Bob – whatever we do, we have to be consistent, = I would tend to agree – I would be willing to start working on some additional language for our regs to break out private ways – I think it is something that is lacking – I think Paul has pointed it out and is thinking we have other applicants point it out as well – I am very concerned about being consistent – it would not be appropriate for us to be other than consistent

Chan – this is a different type of development –

Bob – I am talking about other private developments

Andy – river bend, Daniels village, and Betania are all projects – these

Andy – we already have an approval that is in the works so to speak – what are we going to do when other projects come in –

Chan – even more justified for river bend than it is for here

Andy – I am noting your objection

Chan – I am trying to convince you that this is being fair to the buyers of the property- you are really talking about the buyers having to pay more for no reason –

Andy – I don't see this as being a kick in his butt – I feel that we have an obligation and responsibility as a board to make sure they are built properly and correctly? Chan, are you going to guarantee this?

John – how is it different from a subdivision

Chan – the infrastructure is not going to be accepted by the town. You have safeguards that the

John Claffey – I was listening tonight – and I know you talked about a

Andy – river bend is \$4.5 million performance bond

John – that wasn't part of any of our discussions before – my financing is in place now – for me to go back now, unfortunately we are the first one in this kind of project – if I go bankrupt, the bank will finish it – for me to go back to the bank now, it will take 30-45 days. I wish we had talked

Karyl – how did you arrive at \$60,000?

John – half of Hartney. .

Paul – the revised estimate – \$70,000 is in the road & infrastructure

Andy – I would hope this bond doesn't include the work on the private property

Paul Yorkis – half of the entryway landscaping is on private property and half is in the right of way . . .

We could separate out –

Paul – we tried to do looking at it from a board perspective – we understand your sensitivity to the landscaping

Bob – john, when you get to the point of completing the landscaping, where will you be as far as the road work,

John – binder is down now, structures are in, pond has been crated and loomed – it needs to be hydro seeded

Paul – one part of the drainage system there is a swale, etc with the landscaping

Bob – you would be holding two buildings captive

John – I would even throw in to have the island landscaped at that time

Bob – I am trying to be flexible and creative here. . maybe if we use it as a mechanism to hold off

John Schroeder – any phased . . .

John Claffey – the minimum it can go down to is 35,000

Susy – per the subdivision rules and regs -

Karyl – I am recusing. .

Gino – no comments

Chan – the applicant has stated the bank becomes an entity – I feel plenty of safeguards are in place – his real incentive is to sell those units – I feel

Bob – I also am looking at this from the perspective – if the town

Andy – landscaping is probably

Karyl – keep in mind that the approval of this was dependent on

Paul – half of the entrance abutter screening is \$9,000 – that could be removed

Chan – what is the value of the unit?

Paul – the value of a building is \$1.6 million (4 units)

Andy – how is a building of value to us –

Bob – road and drainage and impact to the neighborhood – I don't want to flood the neighbors –

Andy - I am thinking about risk. .

Paul – I understand members of the board concern about risk and certainly the financial institution that is involved with this project was willing to take a risk and agree to fund this project –

Andy – their reward is the interest

Paul – their reward is making money – you speculate what will happen if the project I think holding back two buildings is substantial – we have looked at this from a community perspective – we have tried to come up with an amount of money as well as a procedure to keep money in place and come up with benchmarks – and also communicate to the building inspector that two of the 5 buildings –

Paul – there is a substantial interest in this project – people want to see something until it gets built – we can build until there is a bond –

Paul – I don't think it is possible to be perfectly consistent with all projects – some projects have more community impact – it is fair to say you want to be generally consistent, but I don't think you can be perfectly consistent with each project – you will have OSRD projects which are not condo projects – I want to be fair to the applicant and the community and I was trying to reach that and that is what the letter is trying to indicate

Gino – this is a question for the applicant – is the issue with a letter of credit solely the timing problem?

Paul – that is part of it, it is a very complex process – it is much more involved – there is an additional sizeable cost to do that and redo

Paul – if the board would agree to something this evening, we could submit a building permit application and in real estate, time is of the essence to get started.

Chan – I move we accept the approach recommended by the applicant in the letter dated 2-27-07
+++- . . .

John – I don't feel like I have enough info to make a decision

Chan – I think you have more than enough security – the bank will pick it up – this is the first of a kind of a unique project – there are a lot of people throughout this area – Medway will be one of the first type of communities to have this type of project come on line –

John – you are incorrect – I AM considering that this is the first project of this type – I am not concerned about this project failing, but the next one – I want to make a decision that is defensible and applicable to future applicants – I want to take all those things into considering – I did hear the applicant when he said it was not discussed

Andy – there was condition #19 from the subdivision decision regarding the bond

Paul – we are concerned about the mechanism for releasing it

Andy – we can easily work out the mechanism

Karyl – if I could ask for Susy – she had done some research – this is not so new in the surrounding towns - I was going to ask Susy in her research -

No second – dead motion

Bob – I would think we need to establish a policy

Chan – I object that we can establish a set policy because each project is so different – this developer should be penalized

Bob – we need to look at this with level heads – we aren't going to do it sitting here right now – we need to look at what we have in front of us –

Bob – I don't know enough yet about this to make a decision

Paul – I sympathize with the board about playing favorites – I respectfully request – this is an approved project, the board has learned as a result of this project that there are some inconsistencies

Andy – I would say there is a timing issue – we should have approved the bond estimate before

Paul – the ground rules for bonding that your consulting engineer follows are appropriate for conventional subdivision, but may not be appropriate for one of these kind of projects – I am trying to differentiate that – my request would be – recognize where we are but also – I would be happy to work with the board to help you set up some parameters to develop a policy – I am trying to not get this project trapped in the abyss of how do we do something in the future. . I understand the dilemma – but we have a dilemma also

Chan – Gino, what experience do you have in the area – what are other towns

Gino – I believe it varies but I believe most towns bond the amount of work remaining – maybe not the landscaping for the individual units,

Andy – is OSRD unique

Gino – no, it is not the fact that it is an OSRD, but it is an issue of being a condo project which is also not rare or unusual –

Paul – the two things together are inconsistent with your board's policies

Susy – in the absence of new rules and regs and policies for a new program, we default to our existing policies

Andy – we are talking about \$158,000 –

John – I am proposing \$60,000 that I don't need back until the very end – I think it is fair – I am not asking for a penny of that money back – if this proposal is good for the board, that is what I would like to do . . . if it isn't

Bob – in reading thru the comments provided by various towns to Susy's inquiry - what I am seeing here – the majority of the towns do require a performance bond of some level – those that don't regret the fact that they didn't have one and have taken steps to remedy that – and I agree that a performance bond is needed – the issue is what is the amount – I have seen everything to cover including everything and others only doing roadwork and drainage – I want to make sure the neighborhood is taken care of – and don't have water coming thru – those are the big picture issues I am concerned with – I think we have to look at in this case, the builder, the fact that he is the first one before us in this situation, he hasn't the luxury of learning as we have as we go thru – I think we need to give them some leeway – I am not sure what that dollar amount should be- I like their creativity – and willingness to have a hold on that last two buildings – I still think that that may be a workable solution –it may be an initial answer – I think we need to step back and take a look at this – in my view I can't give you an answer tonight – as a board we need to get together and have a bull session and come up with what is reasonable

Karyl – I kind of agree with the applicant, I have recused from voting – I think that there are specific instances in every project that are going to be inherently different and should be taken into consideration – I think it would be a good idea – to run it by town counsel to hold buildings – with accepting buildings as quasi collateral –

Chan- this is a very small amount – there is a safeguard – if he can't sell until he builds a building,

John – as Bob was speaking I was totaling up the numbers here – I came up with around \$67,500 for pure infrastructure items – roads, curbing, back out landscape items,

Andy – can you see where the need would be to make mention – you may end with a development that could sit there for 2-3 years and the landscaping not being done until the end – in a proposal, maybe you put it in such that there are some incremental improvements that happen along the way –

Bob – one of those responses did mention landscaping not happening until the very end – if you base the bond amount on the primary infrastructure and then hold onto it until the end, it does reduce the amount of upfront bond money – it is only there for protection purposes, – if we hold there until the bitter – I know they are going to want their \$60,000 back – I am not a friendly person when it comes to reducing bonds –

Paul – the reason that we said 3 buildings and hold the 2 until the landscaping is done – we heard you – nothing can happen to those last two buildings until

Bob – I feel that Paul and John have been very responsive

Andy – what if he decides he would sell this off to another developer – we have a responsibility

Paul – the bank regulations –

They are using Strata bank -

John Claffey – I understand the drainage is roughly 70,000 – if we could increase it to \$70,000 but I would propose that -0 if that what would satisfy the board – I know there is no mechanism to release the money – I would do exactly as outlined

Andy – I appreciate the gesture,

I Chan – move that we accept a \$70,000 bond for this project - as outlined – seconded by Bob – I think it is consistent with the rough numbers we worked up for infrastructure –

John – for the sake of being accurate – I would like to have an accurate number that we arrived at logically – make the number for the infrastructure – and apply the % contingency on that

Paul – \$70,953 if you take out all the landscaping – no contingency –

No reduction and held to the end

Andy – I would like to have the entryway landscaping for the ROW done before the second building permit is issued – that way the landscaping is off the table -

All in favor – yes – Karyl recuse

Susy – there will need to be an agreement to go along with this . . .

Chan – I apologize to all members of the board – I act like a first sergeant – I do feel we made the right decision

Paul – I know this was a spirited discussion tonight – I want to extend my thanks to the board – I think these are important to our community – I restate my willingness to have a workshop meeting to go over this –

Revised ANR plan for 127 Holliston Street - approved

Discussion on 2007 Annual town Meeting – a list of several items

Handout dated 2-22-07

Bob – look at noise decibel levels to add to the zoning - put this on our list -

OTHER BUSINESS

Karyl – handed out her letter to the PB re: communication with the DRC

Andy read a letter from Karyl to the PB re: DRC process . . .

Chan – the DRC is ideal for handling commercial developments, office, industrial, etc. – when you apply this to

Chan – what ever you take to the DRC, they will want to change it – I urge you to be careful – zoning does not allow you to be subjective in your requirements of developers – that is absolute – that is the way laws are made – case history – planning boards have been sued where they have been forced to do that - be careful or it will bite you -

Karyl – we do have the right to make these requests when a special permit

John – the DRC has a specific idea of where they want to go with it . . .

Karyl – I think we may need a letter from the town attorney –

Andy –

Motion to adjourn – 12:15 am

March 6, 2007
Joint PB/IDC meeting – Sanford Hall

Planning Board Members Present - Bob Tucker, John Schroeder, Chan Rogers, Andy Rodenhiser
Planning Board Members Absent – Karyl Spiller-Walsh

IDC Members Present – Dave Harrington, Rick Kaplan, Bill Wright, Kellie Ployer, Glenn Trindade

Also Present – Susy Affleck-Childs, Planning Board Assistant and Gino Carlucci, PGC Associates

Meeting was called to order at 7:15 p.m.

Andy – Update on student project from UMASS regional planning and landscape architecture – helping us with a development plan for the bottle cap lots into some kind of mixed use with some higher density housing and business development – town get the property thru tax title or eminent domain – Treasurers office working on tax title for those that are delinquent – some university owned land, some utility owned land and a Mr. Williams who has been acquiring lots – small cottages scattered throughout/tool shed type structures - they will hand us off a package – maybe continue to see this through with future town meetings . . .

Gino – 43D grant – in response to comments from the PB, I have worked with a technical consultant to put together the proposal – technology upgrade – with plans to be on the screen to broadcast into homes – finish up development handbook – also some money to take the design review guidelines to turn them into a handbook with graphics and illustrations of what is desirable – seek a quicker hearing process – also some permitting software to keep boards/departments better informed – add a ton of efficiency for short money - we should send the draft off to April Anderson – also communicate with Barbara Durand, the town's accountant and IT person to coordinate with her -

Bill Wright – good news, we got notice this week that the program we have been waiting for called MORE jobs – the new secretary of economic development will be having a press conference to announce it is in place - \$2 million range to complete the sewer project – anxious to get our application in –

Andy – let us know if we can help with anything

Bill – Kellie, Rick and Dave – from our last meeting – we wanted to come back to you and give you some more ideas of our vision for the town – I will let Kellie take it from here

Kellie – I have been sick since Feb. 16 with pneumonia – I am not at my best –

NOTE – Kellie handed out a Power Point presentation –

Marketing piece on Medway that would go to a whole large list of commercial brokers -

Industrial I zone – create more space – we have a lack of buildable space – this has some decent buildable space that can be used – I saw a sign in Hopping Brook in Holliston with 200 acres available – would pick up 8 houses

Andy – we learned last year that you can't access industrial property through residentially zoned land – we were able to get a handshake agreement with Ellen Rosenfeld to extend the Marc Road ROW – When Lally met with the IDC, he was agreeable to convert the whole thing to industrial – with a large buffer toward Green Valley – follow the wetland line – We have also talked with the DRC to come up with several different methods of buffering

Bob – vegetation, fencing

Andy – different types depending on the particular situation. . choose most appropriate one for the use – visual buffer, sound buffer

West Medway along Route 109 – create a zone – combo commercial and residential right along route 109 from Milford to the first paper street – support the industrial area – give us an out on Section 40 B – or 40R for affordable housing – keep density to the edge of town – nice way of getting people to be able to stay in town – I have talked to a lot of people in their 60's who can't afford to stay in Medway or afford the new over 55 communities that are coming up

Problems – everything associated with eminent domain and tax taking. . – dealing with some unique egos in that area . . .

Glenn – I went to arc of innovation meeting last week – they have merged DHCD and economic development – the new MORE program is now going to be for mixed use – if you can combine housing and economic development – this project we have undertaken with UMass – with this new program - we are trying to meet with under secretary Kaufman on this – could put us over the top here – the original 100 million for the program was supposed to be for 5 years but Governor Patrick wants to push this – grant application is available on Thursday.

Bill – we have had the preliminary

Gino – it is not an intensive application to put together – very simple and straight forward –

Bill – because it is a partnership grant – we would have to partner with Cybex type of jobs they are creating –

Andy – what about the component of mixed use development?

Glenn – they haven't put together the rules on that

Bill – they haven't had the actual application available yet – CYBEX has to complete an application to go along with this – dollar figure per job created – minimum of 100 jobs –

Andy – the more that could be included with the mixed use stuff –

Glenn – we could take this and go show the UMass project with the arc group –

Andy – can those grant applications be modified or added to

Gino – no,

Andy – could we do two?

Gino – not likely

Glenn – give us the money to put in the sewer for Cybex and this is what can happen as a result

Andy – do you have a way to come up with some quantifiable density –

Gino – probably – I will need to do this

Gino – 43D communities are going to have priority for the MORE program, we should also mention that we are working on 40R – the other component is to get our inclusionary housing bylaw on the warrant

Rick – is the application available?

Bill – not yet on the web site

Industrial I zone – expand; add in buffer requirements, keep traffic down on Coffee Street – follow a wetland line for the zoning line –

Bob – if we are going to call for buffer zones – we need to define where those buffer zones take place

Chan – the buffer zone can only be within the newly zoned industrial land – question is how big? Have to leave enough to allow for development

Rick Kaplan – the only way in and out would be from industrial road –

Gino – remember that the PB rules and regs would define that as a dead end road – maybe need an emergency access

Second area for industrial near 495 – convert some AR2 to industrial - see Dave Harrington's map

Andy – so that is the land across from Cumberland Farm in Bellingham-

Another new zone – along route 109 along the power lines to industrial zone 2 at nelson's gas station on route 109 - aquaculture production – go toward biotech

Dave – in industrial III – might have to think about allowing a higher height – 100 feet
Some of the new digesters need to be 100 feet high to operate

Andy – the fire chief has no concerns about the height of the buildings

Glenn – biotech needs lots of water . . . let's now worry about these issues now – let's get it zoned . . . and see what happens - making it available for that particular use – I don't want to scare anybody about

Chan – important to protect – until we get the sewer in the buyers aren't going to come –

Dave – get it under consideration – we know that we as the IDC – we know it has to come to the PB – we can support you to do this

Glenn – combine forces here and with the BOS – and now it is about crafting the proper language – town counsel has lot of expertise in this area . . .

Andy – Susy, based on what you have heard here tonight, what are the restrictions on us – can we use some of the things we have in the breech –

Susy – break into some pieces – don’t take on too much – need time to write and time to sell -

Chan – the town is in trouble, look at these things – tied to town’s financial reorganization

Andy – what area is priority?

Dave – industrial zone III, especially if it connects up to industrial zone II – convert 60 acres to industrial – land appears to be somewhat dry

Dave – the east side could go to the back burner -

Bill – what about the groundwater protection district?

Glenn – those restrictions are fairly easy to live with . . .

Bill – I think the IDC would feel anything on the west side would be a priority –

Kellie – you have some legs with AZZ going in.

Andy – do you see a roadway connecting Granite Street to West Street?

Glenn – any time you do a zoning change, you have to put yourself in the place of the neighbors – how will it impact me – protect quality of life – look to do the right thing by the abutters – I think we can craft something through site plan –

Glenn – town counsel will do this kind of stuff for us

Andy – we need to think about this from the concerned residents . . . meetings with neighbors . . . IDC and PB together . . .

Andy – Avellino piece, wants to address CV– we had talked about extending the C5 district down route 126

Glenn I am seeing it on west side of the street – but not the east side of the street – put ourselves in their shoes, they are looking gas station and new

Chan – do this in pieces. . That is a hair raiser in terms of getting people’s

John – we wanted to do two things with Commercial v – make it more flexible and expand it – maybe we should just focus on making it more flexible –

Andy – looking for certain uses by special permit

Glenn – they showed us, 2-3 years ago when we voted to create that district – at that IDC meeting, we voted to support that – we didn't see a gas station there - we saw a greenhouse and retail – I feel like a little bait and switch here – if I had known that was what they are going to do, I would not have voted for it. If you are now talking about expanding that use - I would have concerns on the corner

Andy – they asked to have expanded use – realtors that are coming to them for that site – gas station – they now know that it is not an allowed or accessory use – we would like to change the zoning to make it an allowed use – work out scale and canopy size so we craft a zoning bylaw – told him to work with Gino directly – so it ends up with scale and setbacks so that it will be suitable – smaller in scale – by special permit – then for a drive thru window, we think it is critical . . the planning of how those drive thru windows function with where they spill out near the pumps and exit and entrance areas – we need to know how they function . .

Glenn – you need to worry about people using it as a cut through

Andy – the proposed entrances were 300 feet back – when something like this would go to special permit we need to be much safer

Susy – the ledge – the cost to develop was far more than they expected – they are small business people – not developers

Glenn – what makes sense, what are the town's needs? – how do we provide commercial space to develop within guidelines we set for them. . has to take in the traffic component and the aesthetics component

Chan – and that is what site plan would do –

Andy – as long as we retain the special permit authority

Kellie - also have some photos of samples – Forge Park and Constitution examples for 495 business park – brick components, more landscaping, - this type of buildings are our vision . . . this is what is leasing – want to see Conroy and Cybex type buildings -

Class A product for I – 495 – more landscaping requirements - Cybex and Conroy

Class B product for east side industrial park

Glenn – I looked at bylaws on the cape – specify type of plants, maintenance rules, building design –

Gino – Cape Cod commission

Andy – Can we as a Planning Board specify certain things thru the zoning?

Rick – what about thru site plan review?

Kellie – Mansfield Park – check this out.

Andy – we can easily change the height limitations.

John – this is exactly what we were hoping to get from you

Kellie – 36 foot clear height (slab to truss) –

Susy – DRC would make anything that Paul would start with better . . . he has taken what is his interpretation of the bylaw and he may go ahead and file for site plan review -

Glenn – there is no money for the town (tax revenues) for what Yorkis wants to do –

Andy – there is a strangely shaped parcel – Yorkis

Rick – it would fit in with what is around it

Andy – could the type of construction you are advocating work on a smaller lot like Yorkis?

Kellie – try to get office uses into these buildings . . .

Glenn – the only reason Paul is pursuing this option is because he doesn't believe the sewer is ever going to come in . . .

John – can we get an overlay of your proposals?

Bob – what is available map wise? Do we have access to AutoCAD?

Chan – I went to the MAPC workshop – we don't have plotting capability? –

Gino's map – based on mapping info from Britt Hall (Assessor's office)

John – so our focus should be . . .

Bill Wright – west side of town

John – for industrial II and III

Andy – and make a connection between the two

Glenn – we would need to get an easement from Cybex for the sewer project to go across the property to route 109 . . .

Chan – postpone anything on the east side of town and route 126

MORE DISCUSSION on Yorkis plans for property in 495 Business Park

Bob – use decorative block vs. insulated

John – if the use were allowed but it looked like their model, I don't think the IDC would protest

Andy – do we want to get some benefit from that land today?

John – I got the impression from IDC that they were concerned that the tin can building would be an eyesore and effect future land buyers – if that use looked like their model, that argument would be negated.

They also argue that the tax revenue generated would be less on the type of building Yorkis would do vs. other types

Andy – they are looking at personal property tax generators . . .

John – I think we can get him to make it look good . . .

Andy – it is important for us to take a look at this and craft his plans around it . . .

Andy – I have a tin can building and I love it – I am in an industrial park in Holliston – I could not have afforded to build anything fancier. .

Andy – would she be happy with something that looked better . . .

Who owns the property where the easement is between I2 and I3 -?

Gino – I know they own it – NSTAR. They probably don't want people coming in there

John – what about a connection thru to industrial II from Bellingham/route 126.

Susy – please, let's focus on what we are going to do in the next 3 weeks. .

Andy – I have been focusing on the east Medway stuff. . with my meetings, etc. and now the IDC is saying to hold off there . . .

Chan – one advantage to not pushing east Medway, is to let the residents rest. .

Andy – we should hold off on rezoning the west side land until the tax takings and eminent domain stuff is thru . . .

Andy – have setbacks bigger for a gas canopy to push it further back onto the site – have a separate setback for canopy

Bob – if you force the canopy further back onto the site, the underground gas storage tanks would be closer to residential uses – I don't like that – also concerned about the lighting impact on abutters

Andy – coming into town from route 109 eastbound, the sight lines of a big canopy are huge

Gino – Avellinos said any gas station is going to want their canopy on their corner for the visibility

Chan – front setback on a corner lot is from both streets

TO DO

1. commercial v – make allowed use by special permit by PB –

Gino – not make it as a gas station. . but to make it an accessory use –

Andy – limit to not more than 4 pumps

Gino – some towns don't allow canopies at all

Gino – actual building coverage in C1 and C2 is roughly 12%

Bob – concerned that we are doing something just for this one use . . .

Chan – I feel like my identity has been smattered

Bob – allow other uses by special permit and not specify just auto/gas stations . . . not specify what those uses are – give ourselves lots of opportunities - give the board some discretionary ability. . to say yes it is reasonable in this area . . .

Andy – or any others by special permit

Andy – Gino, do you see what Bob has talked about in other towns?

Gino – you can always say no, but you are opening yourself

Susy – what standard/criteria would you use to allow something?

Gino – it almost transfers the use variance authority from the ZBA to the PB

Andy – what do we want to do? Automotive fuel use and drive-thru? Gino, to try to work with the DRC . . .

Gino – yes

Andy – are we Ok with the canopy being out front?

John – yes, as long as we restrict the number of pumps and size

Chan – yes, but we should have sufficient setback requirements so it doesn't give the effect of dominating the site – in the case of a canopy – we should set a requirement that it be 50 feet from any boundary edge . . . I don't think we want to push the canopy to be 10 feet from residential – set restrictions on the size of the canopy – I don't think just limiting the number of pumps, but also the canopy size - what about a bank thru

Bob – if runoff has to be taken care of on site, then I think we need to have a minimum permeable area

Gino – 20% permeable is pretty common - 60-80% for impermeability coverage

Put something like that in the General standards – to apply to all areas

of pumps – not to exceed 4

Andy – require any more than X number of by right uses to be by special permit – 3 more

Andy – use of the drive thru causes other problems –

Susy – three allowable uses by parcel, or by site?

Andy – what if parcel is divided later?

Gino – details of the special permit needs to be monitored

Susy – do we want to be in the zoning enforcement complaint business? Bob generally responds to complaints only . . .

DRC – Monday – March 12 . . . for Gino to attend to work on CV idea

Andy – Gino, start to draft, talk with DRC and then speak with Barbara St. Andre . . .

Gino – the sewer grant with the MORE program ties in well with the 43D expedited permitting project

John – I don't want to put too many restrictions on OSRD projects by limiting what can be included in the open space

Susy – with the OSRD, relative percentage for wetlands . . . apply similar standard

Bob – I don't think we should let them use easement areas as open space

Andy – it is like a false credit

New Winthrop Street property on the market – 14 acres - maybe see if Barberry Homes would like to do that as an OSRD and include the affordable requirements for the Daniels village ARCPUD in it . . .

ARCPUD – just change # of uses to one vs. 2

OSRD –

John – I don't want to reduce the incentive to builders to use the OSRD function

Gino – include power line land area in the formula for determining density but then they have to increase amount for open space provided because it can't be counted toward the minimum

Motion by bob seconded by Chan to approve the performance guarantee agreement for Pine Ridge . . .

Board signed the document.

Motion to adjourn – 10:55 pm

March 13, 2007
Planning Board meeting
Sanford Hall

PRESENT: Bob Tucker, Chan Rogers, John Schroeder; Karyl Spiller-Walsh; Andy Rodenhiser

ALSO PRESENT: Gino Carlucci; Susan Affleck-Childs; Paul Carter

The meeting was called to order at 7:10 p.m.

CITIZEN COMMENTS

Joe Avellino, Medway Gardens
Paul Kenney, attorney
Bruce Fuery, realtor

Paul – based on the board's recommendations from prior meeting re; changing the bylaw, we wanted to present some brief language for the board to review for what may be a good solution

NOTE – Paul hands out drafts – we propose a definition for a gas station/convenience store which presently does not exist in the bylaw – I took into account some of the concerns the board had re: canopy size – we suggest adding a definition to section II of the zoning bylaw.

The other two items are options;

- a. one to allow a gas station/convenience store with a drive thru facility by right
- b. or , same with a special permit from the PB – we would want to streamline the process by having the PB do the special permit instead of the ZBA, since we would have to be before you anyway for site plan review

Andy – the DRC has also been working on something with Gino . . .

Gino – I met with the DRC last night and we had a fairly extensive discussion on limits of what should be allowed – there are several concepts that are similar to what Mr. Kenney suggests – one of the additional constraints suggested by the drc was to limit it to 4 pumps – also suggesting a maximum 2200 sq. ft. for canopy size

Andy – do you think that these are comparable?

Gino – the version I passed out has more details especially related to the design of the structure, similarly with a drive-thru facility, compatible with new England style design – to include a roof over the drive thru window

Chan – why did you put a minimum of 4,000 sq. ft for the convenience store?

Andy – the concern was that there be a substantive convenience store and not just a tiny retail component

Paul – this type of use is a combination use

Karyl – we felt it should be something that is different than our current definition of an automobile service station

Paul – the reason I wanted to not be too involved in that was to see what you wanted - I think the two proposals mirror each other pretty well – I don't think we would have an objection to these kind of things – I think there should be a definition added to Section 2 -

Bob – not sure about 4,000 as a minimum size – maybe it could be less

John – how does the applicant feel about the idea of the canopy being located to the rear or the side of the convenience store?

Paul – people drive up the street and see the gas pump – if they are at the rear of the building, people aren't going to know they are there

Gino – that rear location is not a requirement, it is an option – if the canopy is in the front it has to be attached to the store; or it could be on the side or the rear if not connected

Karyl passed out a conceptual doodle prepared by Dan Hooper

Gino – the other image – the Tedeschi's on King Street in Franklin where the canopy is connected

Chan – I also question the issue of a minimum size vs. a maximum size – I would like to think about it some more – generally it is great

Andy – I think we also need to talk to the ZBA just to let them know where we are headed with this before we just charge off. We need to consider impacts and take into consideration their present authority

Paul – the other areas where you have drive thrus and service stations by special permit uses the ZBA – the planning board, in our opinion, is the better board to be in front of – standpoint of economical use of time – to have it be with the PB - clearly some discussion with the ZBA would make sense.

Chan – earlier you had indicated the proposed use and then you said a special permit – I think the board would only agree to do this in conjunction with a special permit –

Paul – that is why we presented two options – the PB is the policing agent for by right uses through site plan – you have the authority to put your stamp on it and the only way it would not be followed is if it was arbitrary, capricious , etc. – one of the other reasons is that the automobile service station is not allowed anywhere by right

Karyl – on the site, the only element on that site is that the drive thru and

Joe avellino – gino, say the gas station doesn't materialize there, would this allow a bank to come in?

Gino – yes

Andy – let's continue to talk about this – if we can communicate – is there anything in Gino's note objectionable?

Karyl – I think personally, anything visually that you have in terms of concepts of how something would look – if you have somebody who could provide a visual representation of how this would look – it would behoove you to consider having it at town meeting

Public Hearing Continuation – Daniels Village ARCPUD Special Permit and Scenic Road Public Hearings

Rob Truax, GLM Engineering
Jim Williamson, Barberry Homes

Rob – Paul, thanks for helping us out on this. Thank you for turning around your review so quickly.

BOB – 33% of the topics/questions were not addressed or partially addressed – that is unacceptable

Rob – we tried to address them all and Paul was not satisfied with what we gave him, and there are still some remaining issues we can discuss tonight. To say that we didn't try to address his comments is not fair. I gave him a letter that explains how we addressed his comments.

Andy – it is imperative that we use our time effectively.

Rob – I thought we went through his letter thoroughly. We made massive revisions . some of these things, he still has issues with.

Andy – this is a work in progress.

Rob – it may take another round. I would really like to go through this tonight. We need some guidance on some of these things. Some of them we haven't given information on floor plans, etc. – floors plans are still in process –

Jim – That is generally something we do with construction, blueprint drawings – I am not sure

Susy – you need to include elevation drawings and illustrative floor plans, lighting plan, and the building for mail, etc.

Andy – it is important

Jim – we have all that – I can get it to Rob.

Rob – we would like to go thru Paul's letter dated 3/13/07

Bob – I am curious about the distance between buildings. I don't want to lock you in.

Rob – 15-20 feet between the buildings – nothing less than 15 feet -

Andy – has the DRC talked about the setbacks?

Karyl – we are not too concerned about that

Andy – what I was getting from the DRC notes and from your email note was to put off doing the handscapes between the 4 winthrop street buildings

Jim – we met with the DRC 2 weeks ago – overall, the architecture was fine – they focused on last 4 units on winthrop street and what would be going on between the buildings – we agreed to have our landscape architect Steve Cosmos look at this – he discussed this issue with the architect (Henry Arnaud). Steve felt it would be better to wait. He felt it would not be good to add anything in at this time – we sent an email along to the DRC indicating our promise to do something when the buildings are in . . .

Karyl – these are the four units we are going to be looking at – everybody who drives by – as described at the last PB meeting, our concerns are not so much with the individual unit architecture but the rowhouse appearance – there is a sense of what these are going to be like – as a effort of compromise we thought let's see what they can do in lieu of adding stone to the homes. lets see if they could do some sort of hardscape in between the buildings to add some relief to the sameness. I spoke to Steve Cosmos once and he understood completely what we were looking for. Yesterday, there was a communication that they would hold off but were OK to include a condition in the decision. Personally, I don't get what the problem is.

Jim – I don't think it needs any more relief. We have a fine architect and a fine landscape architect. They tell me this is complete. That the units should not be a lot busier.

Karyl – that is your opinion.

Jim – I asked Steve to talk with Karyl and make her happy.

Karyl – this isn't about making Karyl happy. I could be doing many other things. Gino, you were at the DRC last night. Do you have any comments re: other DRC members?

Gino – they were looking for some added element on the ground outside, as a compromise

Andy – can you be more specific about an element?

Karyl – stone walls in between the buildings. You need to be careful when you look at drawings that show lots of mature landscaping because they aren't really there – those tree canopies you see on the elevation sketches won't be there right away – lots of trees are going to be nuked – these 4 units are going to be very visible – that drawing shows a tree canopy in 15 years.

Rob – the mature trees out front will be staying.

Andy – Butchy can you possibly comment on this?

Karyl – we were looking for a comment for the scale on the canopy of the trees – how old do you think that they are in the drawing – I think those tree canopies are 15 years out –

Chan – read thru the list of existing trees that are in front that will be kept.

Rob – the stone wall in front of the houses is about 35-40 feet back from Winthrop street – the land does rise up – The tree line in front of the stone wall There will be a slight rise – houses are

120 feet back from Winthrop Street – he could have given us a typical landscaping plan for each unit

Rob – I personally wouldn't want to have any more stone walls

John – I am getting the distinct impression that you are not as far apart as you think you are – would a view from the street showing the mature trees be helpful?

Karyl – we are looking for something to do instead of changing the architecture even more – so the idea was to have something external – pediments or stone walls that might vary between the 4 units that would be visible from the street - they are going to need some sort of patio and have a distinction between the units – we encouraged them to come up with something more permanent than lattice

Andy – Gino, any ideas?

Gino – no

Jim – where are you talking about?

Karyl – in the yard area between the houses. The new landscaping to be installed will be lollipops

Jim – there are many trees that are going to remain in front

Rob – the trees listed on the plan are going to stay

Jim – steve cosmos thinks there is a lot there now – he is concerned that it would be too busy – we are looking to do simple new England farm houses with farmers porches and – I am at a loss to understand we are at such an impasse on such a particular project

Karyl – we are too, we think this is ridiculous

Andy – can you articulate precisely what you want, and what you are looking for?

Karyl – we have had a conversation with Susy, about the idea of the DRC having access to an architect to assist us and draw something to indicate what we are talking about – Ron Margolis and David Chilinski – excellent with site plan – both are on tap and willing to help us and come out and articulate _visually sketch – what we are talking about

Andy – is it an issue of screening or breaking up?

Karyl – the problem is the sameness, the same massing, same roof lines – it needs some elements of variations – it is the rowhouse effect of sameness

Jim – the houses are not set back the same

Andy – the DRC notes seem to say that you are OK with the architecture itself, - if we were to give these guys some direction, would some evergreen plantings work?

Karyl – I think the landscaping plan is pretty dense as it is – but it is planted all at once – everything is the same scale . . we are looking for more variation - some sort of relief to the sameness - Steve Cosmos has not done the job

John – it says here in the DRC notes the setback from the road is 16 feet - - what are they talking about ? that should be clarified.

Rob – That can't be from Winthrop street, I think it is from the side road.

Andy – how about a granite light post?

Karyl – possibly – we could make a list of what would work -

Karyl – there will be a contingency in the DRC's letter of recommendation regarding this issue

Chan - I would like to understand how much of the screening is going to stay – is that what you intend to leave there?

Jim – I would say those trees would stay

Butchy – when I went down and we talked, the trees that they told me are going to leave are tall enough to hide the rooflines of the new buildings – the naturalness of the whole thing is what is important there – you are not going to be able to see the roof lines – you might be able to see pieces of it – what is left in the front it goes up a little bit

Karyl – what is being removed in this area? Give us a quick presentation of what is going to stay on a plan

Rob –I can have Steve look at it and show on a plan what will stay

Andy – to move toward closure, if these guys have them all marked and they can show them and they can come up with 1-2 hardscapes - maybe that would work

Karyl – stone pediment with a light on top of it .

Jim – a granite type post in lieu of the regular posts

Andy – some effort

Jim – for the 4 houses, we will make the light posts granite –

Andy – it would be helpful if the DRC could give more specific ideas

Karyl – the idea is to make it look like 4 varied units –

Jim – I would like to keep them somewhat similar

Bob – it could just be the placement of the light post

Scenic Road Discussion

Jim – I did meet the tree warden – he has identified 6 trees on Winthrop Street he wants pruned – the budget for that is \$6600 – he showed me we will spend up to \$6600 dollars – he can be there to direct

Susy – will 6 trees use up \$6600?

Phil – I think that amount is a fair figure for tree trimming and they have to pay for police detail out of that as well -

Phil – I want to meet with company that will do the work so that we are on the same page –

Susy – time frame for doing this work?

Jim – to do within 30 days after appeal period for the special permit - it doesn't matter to us.

Paul – ALSO . . . traffic consultant recommended some advance warning signs for the intersection and some regrading to improve the site distance looking north.

Rob – that trimming should be shown on the plans along with the recommended signage . .

Butchy – most of the mature trees are not in the ROW. I don't know how far up the road they are going to go.

Rob – ALSO, we don't want to provide easements over the trails that are within the development part of the site – keep it private – allow for the conservation restriction only on the open space parcel.

Andy – so you intend for the public to not be allowed to walk within the development?

Jim - Ok for them to walk thru, but not with official easements

Karyl – what about if the condo association in the future could deny that?

Jim – OK with a public easement for the open space parcel.

Gino – I believe a private property owner is relieved of liability if there is a conservation restriction is involved and it is publicly accessible open space and if private property has to be crossed to get to the public space.

Rob – my concern is a liability issue . . . if there isn't one,

Karyl – I make a motion that we need legal advice before we take this conservation further – seconded by Chan –

John – all of this land over here that will be the open space, isn't that what we are really concerned about?

Chan – we should bring in the folks that are part of the trail system to discuss this

Andy – kids will find their own way in if we don't give them one to use

Rob – I think Jim needs to get some legal advice – people are going to walk thru there anyways – are they on the hook for the liability?

Jim – we had some experience in Natick

Andy – before we close on this motion, maybe we should reconsider this motion and let them to get a legal opinion themselves

John – I think it would be very helpful to get a big picture of the overall trail route -

We could amend the motion so the applicant seeks legal counsel.

Karyl – the concern is that they don't want to propose easements through the property

Karyl – I withdraw the motion

Susy – I will ask Jim Wieler to attend the next meeting

Chan – I still feel like we want to have legal advice on this matter . . .

Rob Truax – Let's return to Paul's letter

8 foot radii –

Paul – use some turning devices –

Karyl – you are going to need a fire truck

Rob – WB 30 –

Subdivision issue

Susy – the special permit will specify that there will be a subdivision plan - 4 lots for the winthrop street dwellings, the rest of the development, and the open space lot

Jim – I will meet with the safety officer again on this revised plan . . .

Rob – we took out the detention pond that was in front and replaced it with a stormceptor – so we don't need that waiver . . .

7.7.2 p – we don't need a waiver on that anymore . . .

Retaining wall with guard rail –

Paul – I think the drop off is 7 feet - that will need a railing/fencing of some sort

Rob – we plan to use Versa lock for the wall – it is not visible from the street

Karyl – put a stone wall on top of the retaining wall

Paul – it needs a guardrail and a fence

Paul – the board prefers something other than chain link fence for what goes on top of the wall -

Aluminum fencing

Karyl – we are concerned about the inside

Rob – we will add it to the plans

TO DO – Call Wayne Vinton to set up a meeting of the STREET NAMING Committee

Jim – I want to talk to the Board about some of the expenses we are incurring . . . handout notes

Donation request on the senior center is \$108,000

Loss on 8 affordable units is \$1,400,000

Scenic road cost = \$6,600

Sloped granite curbing – \$102,082

Sidewalk for Winthrop Street - \$25,000 -

We would like to do cape cod berm at \$5/ft vs.\$17/ for granite curbing

Karyl – are there logical areas where this could be switched out?

Andy – how about you take the plan and show us where you would like to change over the curbing from granite to cape cod berm

Jim – yes, we can do that

Even our acquisition cost per unit has gone up because we had agreed to a minimum number of units with the seller.

Waiving the sidewalk requirement would be a help – wide range –

Andy – try to do a few things to help the Town with sidewalks – I am not suggesting we waive the sidewalk in its entirety.

1200 linear feet of sidewalk could be done elsewhere

Rob – we will do some sidewalk in between the roads - about 220 feet

Andy – we have said you can do an equivalent number of feet of sidewalk somewhere else in town . . .

VHB's estimate for 1200 linear feet of sidewalk would be much higher

NOTE - Phasing Plan presented by Rob Truax

Rob – thought process on phasing – we want to have the drainage in place

Susy- what type of performance security are you planning?

Jim – covenant and then an insurance bond

Chan – these things still have some work to do . . .

another full plan set to be submitted . . . for discussion at the april 10th meeting

the trees that are flagged are staying - orange

Continue to March 27 – DRC, trail issues/legal; sidewalk estimate - 7:15 pm

Public Hearing Continuation – River Bend Village/Walnut Grove on the Charles ARCPUD Special Permit and Definitive Subdivision Plan

Andy – We have received a request from the applicant to continue the public hearing. The draft decision was provided to their lender who needs more time to review.

A motion was made by Chan Rogers, seconded by Bob Tucker to continue the public hearing to March 27 at 8 pm. The motion passed unanimously.

A motion was made by Karyl Spiller-Walsh, seconded by John Schroeder to extend the deadline for action on the definitive subdivision plan to april 30. The motion was unanimously approved. .

Short break at 9:25 pm

Paul Carter leaves at 9:25 pm

Public Hearing Continuation – Swenson Granite Site Plan

Scott Herrick, GM of Swenson Granite
Rick Merrikin, Merrikin Engineering

Rick – there were two issues – the DRC review and whether some of the display items were in the 10 foot easement. They have agreed to move anything within the easement area.

Bob - have they done so yet?

Rick – I wasn't sure if they were actually over into the easement.

Scott – when they widened route 109, everything looked like it was closer – if there is some that are encroaching, we will move them back . . .

Rick – the other item is the DRC comments

Acknowledge the DRC's recommendation – dated March 7, 2007 – read into the record . – attach and make a part of the record

Scott Herrick – We can't turn the building – personally I don't see that turning the building is in the budget – creating a courtyard – we can't go back any further due to setback requirements. – we also can't bump the building back – the first drawing does show a dropped the roof line and the front is pushed back a foot or so to create a little shadow -

Karyl – we thought this would make a huge difference; I am surprised that they didn't go a little bit further. Do you have the original drawing with you? The DRC suggested some very reasonable ideas that would have made a big difference . . . the drawings don't show the roof differential

Scott – you are discussing remodeling the entire existing building as well

Scott – the project is nearly \$100,000 – turning the building 90 degrees is not in the budget

Scott – having an overhang over the entrance at the end would be good

Scott – I guess I would say arguably, this is one of the best sites I see along route 109 – we try to run a clean beautiful location - it is the best site on route 109. there has to be some continuity with the existing building – it is a business. Re: buffers – we use a lot of granite on the site – I think what we are asking for here is a little room to expand our office – we can't do the offset suggested because that includes the handicap access area.

Karyl – how many Swenson Granite locations are there?

Scott – 8 . . newest one in opening in Rhode Island - our quarries are in New Hampshire and Vermont – we stay local . . .

Bob – is this built yet?

Rick – no

John – so everything on here is agreeable except turning the addition and not moving it back?

Karyl – because you can't go back, you could go forward and move the parking area

Andy – this is just a 460 foot area -

Karyl – this is an opportunity to really showcase the site . . .

Rick – I think the only comment he has agreed to is to put the overhang over the new entrance

Scott – I think Gary Jacob was interested in a new entrance on the site

John – not enough roof pitch to adjust the roof line,

Chan –I say lets get this done

Karyl – I think this is an opportunity for the kind of site it is . . I would like to be alleviated of the pressure – I will go along with what the rest of you agree to.

Andy – the landscaping in the grass strip on route 109 – how much of a cost impact would that be to do what the DRC asks

Scott – we screen the detention pond with the fencing

Karyl – the fencing does not screen the detention pond

Scott – I think we would have to take some measurements to see what would last out there

Andy – some type of compromise? Some shrubs in the grass strip??

Andy – are you Ok with the porch detail?

Scott – on the new addition only – not on the existing structure – it won't work

Gino – in your revised plans, are you showing pervious pavement?

Rick – I did put a sign; we are only going to pave it if the building inspector requires it

PB condition – use pervious paving if Bob S requires it to be paved . . .

Gino – one other comment . . I had suggested re: drainage that some sort of letter be provided by the consulting engineer to indicate level of impact.

Rick – I will do that.

Motion was made by Chan Rogers, seconded by Bob Tucker to close the hearing. The motion passed unanimously.

Invoices

\$506.25 - PGC Associates – Plan review services – Plan Review Revolving Fund
Motion by chan rogers, seconded by john, all yes

\$112.50 – PGC Associates – Consulting services – GATRA and zoning – General Fund
Motion by chan, seconded by john – all yes

\$112.50 – PGC Associates – Pine Ridge – bonding discussion - Construction Observation Fund
Motion by Karyl, seconded by bob – all yes . .

\$ 649.48 – Petrini & Associates/legal counsel – Applegate Farm – review of legal documents before plan endorsement - Construction Observation Account
Motion by chan, seconded by karyl – all yes

\$588.35 - VHB - Plan review services – Plan Review Account
motion by karyl, chan – all yes . . .

OTHER BUSINESS

Andy – we have a resume of Mary Chaves, Planning Assistant in Bellingham. She is willing to help out while Susy is out for surgery. She seems amply qualified

Karyl – the last time when susy was out it was chaotic it was very difficult

Motion by Bob tucker, seconded by Chan Rogers to retain Mary Chaves as an independent contractor to work in the PB office while Susy is out for surgery. All yes.

Susy will forward resume to Suzanne and prepare contract.

Medway Gardens/Xxtra mart site plan – refund balance of plan review fees

NOTE – Susy provided spreadsheet showing the funds received and disbursed. When the Plan Review fees were paid, it was handled 50-50 by Medway Gardens and Drake Petroleum.

A motion was made by Chan rogers, seconded by bob tucker to refund \$1,388.75 to Drake Petroleum and \$1,388.75 to Drake Petroleum.

Susy – The other question is what sort of time frame do you want to have for your agreement to waive the application/filing fees in the future? The Avellinos have asked how long they have?

A motion was made by John, seconded by Karyl to waive the site plan application/filing fees for a future project on the medway gardens site for a period of up to 2 years from the date of the 2007 town meeting. The PB will apply the application fee paid by Medway Gardens in 2006 toward their part of fee for a future project and the same for Drake Petroleum if they reapply. But the Drake Petroleum portion of the application fee would not be credited to another applicant. All yes.

Country View Estates - Broad Acres Farm Road –

Memo from Dave D’Amico regarding flooding concerns on Route 126/Summer Street of runoff from Broad Acres Farm Road due to a poorly functioning catch basin.

NOTE – Forward to Paul Carter for his information/inspection.

NOTE – Ask Dave to keep track of his expenses so they could be deducted from the bond.

NOTE – letter to Greg

Finances

Andy – Susy and I had a conversation today with Melanie Phillips, the Treasurer re: our revolving funds. We have been taking votes and authorizing expenditures from these accounts for plan review and construction observation services. In actuality, the bills are being paid from the general fund. Internally, what hasn’t been done is to transfer funds from the revolving

accounts to the general funds to cover those bills. This may go back 4-5 years. They are now reconciling those accounts. This is FYI only. It is a matter for Accounting and the Treasurer's office to work out.

Andy – I asked Susy to give us some info on our other two special accounts – the sidewalk improvement and scenic road tree accounts. There is \$ 37,088 in the sidewalk fund with another \$23,000 forthcoming. These are funds to be used to construct sidewalks needed in town, through the BOS and DPS.

John – I like the consistency and fairness the way this is applied to all applicants –

Bob – WE also need to work on a policy regarding performance guarantees for condo projects . .

Chan - the senior center has an addition planned. it is out for bid. they have an architect who has designed the building and plans. It went to the DRC for review and the DRC has asked for some changes – that will cost time and money – the building has to be virtually completed by the first of July to use the state grant money

Andy – we don't even have a site plan application yet

Karyl – Missy D said the \$200,000 from the state can be used get the foundation in and could be spent on architectural fees

Chan –You are going to cripple the senior center? You aren't sympathetic.

John – The Town has to follow the same rules as private applicants. We have to follow the process.

Chan – in the first place, you could have the DRC not review it

Andy – we would love to have the site plan application so we could get to work on this

John – how many times has the high school fence issue been brought up?

Andy – the point is that people throw it back in our face when the Town does poor design, poor use of materials, poor concept – are we going to say that because somebody has made a faux pas here about the site plan process that we are just going to not do it?

Karyl – FYI . . the PB was instrumental in getting \$200,000 in contributions toward the senior center addition and there will probably be more.

Andy – Chan, no one is suggesting that we are unsympathetic.

John – I want to go on record and say that your statement that I am not sympathetic to the senior center is inaccurate.

Karyl - me too

Andy – me too

John – you cannot set up a set of standards and then not have the town follow them

Chan – I think there is reason for the town to give them some room – to follow the DRC's requirements would make them have to change the design – do you want them to lose the state funding?

Chan – I can't believe the DRC would make any comments about this at all.

Andy – we will wait for the site plan application and then proceed.

Susy – Missy is bringing their architect to the DRC meeting next Monday night to work on this some more.

Committee Reports

John – CPC – we had applied for some funds to restore the cemetery but that was declined – we are seeking a clarification on how much CPA funds we have. Re: 2B Oak Street – there are really interesting facts about the building that came out from the Historical Commission. Also, the Historic Commission is moving right along on the proposal for a historic district in Medway Village

Chan - SWAP will be considering the 2030 transportation plan at its next meeting – no major projects in our area . . looking for improved service on Worcester and Franklin commuter lines which may necessitate more space at south station . .

Karyl – I think most of what we are going thru with DRC has been covered

Andy – thanks to the DRC and Gino for working on the zoning ideas for commercial V.

NOTE – Andy distributed drafts of the PB's 2006 annual report. Members are to review and get back to susy with comments.

NOTE – 4 PB members and Susy will attend the Citizen Planner Training Collaborative conference in Worcester on 3/17.

Motion to adjourn

10:45 pm

Minutes 3-20-07

Affordable Housing discussion

Slide show

Decision

Karyl – how about a fractional piece of even small units

Paul Zonghi – give them one more unit for every 5 units by reduced density requirements

Eric – allow multiple housing in one structure

John – would we do this everywhere in town

Eric – 40R overlay district

Paul – Natick has done some things – mixed sizes of units – single family, 2 family, triplexes;

Eric – lima farms . . .

Micky – limiting it to certain parts of town – I can imagine someone that owns a lot of land

John – I would like to look at some density bonuses for subdivisions . . .

Gino – 40R allows for targeting

Kkaryl – neighborhood feeling is important . . .

Paul – higher density . . . options – 3-4 stories . . .

John – has to be done in a way that

Eric – leeland farms in Sherborn near the peace abbey – looks like a big old farmhouse – very appropriate multi family for a more rural community – that is the type of thing we should encourage

Gino - 17 units total – 1

Micky – what do you do when somebody comes in with a pretty plan and then they change everything . . .

Paul – I don't think it would be hard to keep it in a rural feel . . .

Gino – an example in Norfolk center – developer came in with a 40b – 3 story buildings with 12 units each . . town pushed back – converted to townhouses – now 44 units – beautiful place . . right next to the train station –

Andy – how likely are you karyl going to be comfortable doing that when somebody comes in and wants to do density – are you going to want to see them go down in density

Karyl – if somebody comes

Paul – I don't think

Karyl – quality of the concept, how it looks and fits in, it is hard right now with reduced marketability . . – tough today . . any little design change makes it expensive

Paul

Eric – big A affordable and small a affordable – I live in a neighborhood where there are lots that are 8,000 sq. ft – I think there should be some mechanism . . and do a by right infill – just a supply of starter homes is sorely lacking . .

Karyl – the last thing we want to see in Coventry, rhode island – every single one is the same . . . they have a ton of these – they are all alike, it is such a mistake – not enough variation in styles . . devoid of any interest

Eric – little greek revival houses,

Gino – wish I could remember the stats off the top of my head . . there is something like over 700 lots in medway already built that are under 20,000 square feet and over 500 of them are already under 10,000 sq. ft

Eric – there are plenty of places where it could fit in appropriately

Eric – towns aren't letting people build starter homes

Paul – it is all about land costs

Eric – I like the idea of both mandatory and incentive items built into a bylaw . . . – a little bit of both – we expect this . . if you give us more, then - even the mandatory needs assurance of payback – I like offering developer a choice of options on how to meet these requirements –

Idea – a rolling trust fund . . . having a pool of money – have developers that would be glad to pay some money

Eric – range of incentives

1. produce on site
2. I don't want to do that . . . instead of make a payment in lieu to a housing trust fund to use to buy a unit

John – with the arcPods, they say it is hard to find people to meet the income and asset standards . . .

Eric – an affordable unit comes with a long term deed restriction . . . if somebody could afford to pay for a market rate unit, they do so

Micky – the ones I have been involved in . . . if they bought for 60% of value, then they have to sell at 60% of future value

Andy – has our subdivision standards on how to create roads and construction standards, do you find that our standards are overly burdensome (not the sidewalk fund)

Paul – I don't think Medway's standards are above or below other towns – I do have a couple of things – I thought some drainage things could be done – when you are near a river . . . to cut down on some costs

Andy – there are some tools . . . smart growth toolkit – low impact development techniques – we are starting to see some of those techniques – those are intended to help lower the cost

Paul – in some small subdivisions, you have water shedding off the houses and the roads .

Bob – when they laid out the river bend site, they didn't think about how they were going to build it . . .

Karyl – it was all about numbers . . .

Paul – I don't think there is that much of a difference between towns – I do think your consultant fees are much higher than other towns compared to Franklin, Holliston,

Eric – I will say this, part of that is that Franklin has pretty big municipal staff

Paul – I don't think they do it on their own,

Andy – let's try to define some of the things that would be acceptable

Paul – let's say 6 acres – under today's standards, I could put in 4 houses – if I – depending on the type of neighborhood, more willing to pay into a fund with the price differential - all raw materials –

Paul – get the cost of land down

Andy – if we were to allow for greater densities, if you were to build smaller homes that were more affordable, could you get the same margin

Paul – yes, I believe that?

Andy – pre-fab homes

Eric – I can show you some excellent examples . .

Susy – southborough – duplexes . . .

Paul – union street in Natick – nice job mixtugre -

Andy – lets try to define . .

John – what is the triggering number of units . .

Karyl – I think we are guessing . .

Paul – I think you have to do some real math – from my point of view, I would be more willing to pay in to a fund . .

Micky – depends on where you are building . . .

Andy – does 40S ever exist outside of a 40R

Andy – what is the incentive for us as a community, other than it being the right thing to do, to allow an area that might have 4 lots to have 8 lots

Eric – get ahead on the inventory

Andy – so now we have these additional units, not paying their fair share

Paul – what happens if you don't make the 10%

Eric – you can stop 40B, . . . or if we do an increase of .75% in a year

Andy – if our goal would be

Gino – you have to submit a housing plan to be submitted to DHCD – and the units have to be implemented building permit issues . . . you start to make progress

Paul – even though it is the right thing to do . . the slower it takes, the less tax burden on the town

Eric – aside from the area we are looking at for 40R, are there are other areas that might be appropriate?

Gino – the bottlecap area off of route 109; possibly the area around midway village here; I am not sure any other area would qualify under the state guidelines

Andy – the bottlecap areas . . . good area for mixed use project –

John – I agree with gino, right along village street in here

Gino – near charles river acres on the upland side

Andy – make a list of what we want to achieve by doing something like this

John – is our goal to try to achieve .75% per year . . .

Eric – you don't want to get behind . . .

Susy – relative

Eric – you could use some money from CPC/affordable housing trust fund

Eric – can we fold previously approved 40B projects into 40R

Andy – we are all in agreement – that we move toward this at .75% a year . . .

Andy – let me fill you in on a meeting I had with glenn, dennis Crowley, Suzanne, me and bill wright – talked to them about the MORE jobs grant to help pay for the sewer up into the industrial park, the addition of putting the bottlecap lots into a 40R district – addressing jobs and housing – focus on lowering housing costs to retain employees in the state – they were really psyched by what we are talking about – also expanding the industrial park down toward Bellingham – so it looks pretty good for us in terms of that grant – 40R helps us in that we get an immediate payment once we pass a bylaw

Eric – the message we are getting at dhcd is that housing is an economic development activity

John – am I hearing that we are going to hold off on the inclusionary zoning bylaw

John – I think we should be going more than 10% -

Andy – I don't think 10% will fix the problem

Eric – a couple of things we are getting a sense of . . . they are taking a look at what qualifies housing to get on the inventory – and how to run lotteries . . . trying to streamline – they are also talking about . . . very early – raising the cap from 80% to

130% of median income – to qualify for a unit – the argument is that people that are losing are the people in the middle – we are bleeding the folks in the sweet spot – manufacturing jobs,

Andy - \$18 - \$20/hour jobs

Andy – as a developer, if some type of program was made available, I would think you would want to look at it on an acreage basis, - what is the size house for that type of scenario –

Paul – the land and the road are divided by the number of units - I can't imagine any developer that wouldn't want to swell houses at \$410,000 but we can't do it . .

Andy – so, if we were to give some kind of density bonus – double –

Gino – selling price is tough to regulate – but you could

Paul – if you had 4 lots and you were going to

Eric – the fee in lieu is really a path that most people will take . . .

Paul – I would want to build an affordable – \$400,000 range

Susy – joe musmanno would say that we would just be putting off the problem by offering a payment in lieu of -

Karyl – this is where it comes in – 14 acres on Winthrop street – some discussion whether this would be a good site for affordable housing? There are some spots in town that are good for affordable – the Winthrop street site should be an ideal open space development – beautiful land, with water running through it – contiguous with other town lands that the town owns or may be getting in the future . . .

John – the proposal on that piece of land on Winthrop Street was to have an OSRD with some affordable housing on it condensed – and then protect the large piece of land associated with it . . as opposed to 14 individual one acre lots

Karyl – land directly across the street from this area would be served better as affordable

Eric – I don't want to make “the perfect” the enemy of the good . . .

Paul – developers aren't going to want to put in a few affordable within a development of \$ 700,000 houses . . .

Karyl – it isn't always about profit . . .

John – karyl, you are the exception

Andy – do we run the risk of taking these areas where we are talking about building 700,000 houses and paying money into a fund, and we end up buying a project – better to scatter things around a community . . .

Andy – could there be a way to work this so if you could build things on the site . . .

Eric – if you are going to do an affordable unit within a development, the exterior would want to be the same

Karyl – Mark Cerel says the town of medfield owns 40% of the open space in town . . .

John – I don't think we have a big picture of open space

Karyl – there has been years of conversation about acquiring land on Winthrop Street

Eric – can I make a concrete proposal – 5 units

Karyl – I say 6 units

Bob – I think even if somebody is bulding one unit they should contribute something to this . . .

Andy – it is clear that there is a lot to talk about on this . .

Micky – you have to consider what the impact is going to be of this . . . musical chairs with people moving into arcpuds and living . .

Andy – we need to move on to discuss other items . . .

Micky – I would like to be able to build something affordable – we need to do this

Paul – huge issue that people are leaving the state

Eric – we are the only state losing population . . .

Chan – as long as we are moving ahead . . .

Andy – lets take a 5 minute break

ZONING ARTICLES

Commercial V –

Karyl – we had some discrepancies for the canopy size – it seemed like gino came up with the square footage numbers by just deducting the size of two pumps –

Gino – it was more than just deducting 2 pumps from their canopy -0 you figure 24 feet between pumps – and island sizes are 6 feet each and then another 12 feet extending on the outside

Karyl – I think there is a standard requirement – we don't know that figure – so what the DRC said, we request no more than 4 pumps and the square footage should minimally cover . . we don't want to create a bylaw to limit something

Karyl – we need to research it or get somebody who does . . gino doesn't know, we don't know what that should be – we don't have an absolute square footage –

Gino – the other dimension was 38 feet figuring two vehicles behind each other – it depends if you want to fully cover the cars on the outside

Bob – 38 by 15

Chan – I think 2200 is OK

John – I remember hearing guidance from someone to keep the bylaws general and then have rules and regs specific –

Susy – we probably wouldn't have regs for this . .

Bob – we may want to

Andy – say freestanding canopies

Chan – you can change the dimension

Gino – if you think you might . . unless the PB determines a greater amount is in the interest of the town , give guidance but have an out . . .

No extra lighting standards . . . gino – put in the site plan rules and regs . .

Andy – we can address it through site plan –

Bob – I would like to do some more searching on lighting standards . .

Gino – a typical one . . is .25 foot candles on the a property line –

Susy – what about right under the canopy – those can be very bright

Andy – I bet there are standards –

Gino – I know in Norfolk – the standard directly under a lamp, it is .5 foot candles

Andy – can we, at the risk of interacting with bob, shall we send him a question about this about whether lighting for gas stations . . . is there a state standard? Is there a building code standard for under a structure –

Bob – NFPA thing . . .

Bob – I think we could ask Bob if he knows where the reference is located for lighting . . . – use his knowledge for where it is located . .

Karyl – it would seem logical in site plan – with overlap – I don't want neighbors looking out at it.

Bob – or do we not say anything about lighting around the pumps and only dictate the spillover

Susy – signage – corporate colors on canopy . . .

Gino – it seems to me this issue should be addressed in the design guidelines – let's put it in there . .

Discussion on local convenience retail . . .

Bob – we should preclude sale of tobacco products

Gino – how about if we avoid the issue by not specially mentioning tobacco products,

Agree to delete tobacco, beer and wine, and delete 4000 sq. ft . . from local convenience store

Motion – by john to accept as amendmend – all yes . . . on

Motion on the gas station stuff – bob, karyl – all yes . .

Motion bob, kary – on adding affordable housing as a purpose in ODRD

OSRD – what is to be included in OSRD open space

John – we may be limiting what they can do . . . we don't want to discourage this

Bob – I agree that osrds are not a bad thing, but when you have limited potential sites, the only one that really benefits is the developer because with a conventional development they wouldn't be able to

John – I think we want to encourage osrd – based on what they can do conventionally

Bob – then we get to the cases like marian and river bend –

Gino – those are those ARCPUDs that are allowed greater density

Chan – I don't think those restrictions are unreasonable . . .

John – land under utililty easements – I don't think it hurts the open space to have that count

Bob – area under utility has already determined to be used for somelthign else – not an option

Andy – I don't think it should count but I don't want to hurt the developer . . .

Andy – can we look at a bonus density

Chan – I still feel 50 feet from the house is what we should do . . .

John – treat it the way like we do wetlands . . . with a relative%

Motion on 50% count on utility areas – john, karyl – all yes . .

Motion to keep 50 feet – by chan, seconded karyl – yes – Karyl, Chan – NAY – andy, john, bob. Motion fails

Motion by andy – modify (4) to read 15 feet of any dwelling unit – seconded john - chan abstain - approved

OSRD criteria – motikon by bob, seocneed by karyl – amended – delete (m)

John, bob -0 osrd design standards – susy and gino to work out . . .

Allowing local convenience retail in an OSRD

John – I move to table this to the next town meeting –
Seconded by karyl – - yes – andy – NO . . motion to table is approved

Gino – I don't think it would have a bad thing to have as an option

Bob Tucker leaves at 10:40 PM

ARCPUD 1-6 – ALL YES – KARYL, JOHN – AS AMENDED

Arcpud 7 & 8 –

Motion to approve as amended – karyl and john – all yes

Motion on aesthetics – john, karyl – all yes . . .

Motion by chan to include special permit criteria . . all yes – john . .

Andy – Height restrictions in the industrial park

Maximum building height is now 40 feet . . .

Andy – let’s do a taller height – shall we go higher to 65 feet?

Andy – IDC asked us to raise it

What was the height they asked for?

Andy – 60 feet by right . . – special permit from the zba to go up to 100 – for industrial III only – gino to write . .

Gino – you had also asked me to look at the parking requiements in the Commercial I district – I had suggested that maybe it would be good to change it between what we may propose for the overlay zoning and to try to solve the current problem that the medway shopping center owner

To make that change, it would mean change the ratio to 1 space for 350 sq. ft. – but to make him legal now, he would need one space per 303 sq. ft. – but restaurants have a separate standard

Andy – so we aren’t going to achieve what he was seeking. .

Gino – but the whole thing would be considered together – to make him conforming would require a massive change, more than what you would want to do

Gino – the only other possibility

Andy – I am worried about the area will die – goulds, cvs, - without those destinations, that shopping center is hurting

Gino – the alternative would be to allow a reduced level of parking by special permit, without a specified number and then he could

Chan – what is the issue that has come up

Andy – the owner of the plaza needs special permits for various uses and because of the parking restrictions, he never gets the permitting he seeks – so he has asked us to address the parking issue – gino is suggesting that the zba be able to do a special permit on these parking issues . . . we don't want to

Andy – if we make this a special permit –

Chan –

Motion by chan- area subject to special permit for parking in C1 and C2 – by zba – seconded by karyl – all yes . . .

Andy – we are demonstrating a political will by helping this guy

John – are we going to be able to get some money for the developer to do something?

Andy – I bet mass development would do some funding . . .

Gino – I am looking at a 3D version . . .

Motion to adjourn – 11:25 pm

March 27, 2007

PRESENT: John Schroeder, Bob Tucker, Karyl Spiller-Walsh; Andy Rodenhiser, Chan Rogers

ALSO PRESENT: Gino Carlucci, PGC Associates; Paul Carter, VHB, Inc.; Susy Affleck-Childs, Planning Board Assistant

Meeting called to order at 7:05 p.m.

CITIZEN COMMENTS - None

Miscellaneous Business

handed out a set of text on all our articles for 2007 ATM –

Bob asked about street acceptance status susy reported on at least two projects – The Meadows and Birch Hill

PUBLIC HEARING CONTINUATION – Daniels Village ARCPUD & Scenic road Work Permit

7:15 p.m.

Jim Williamson, Barberry Homes

I hope the board can see fit to close the hearing tonight; got Rob to work on a timely way; face to face meeting with Rob Truax and Paul Carter last week – Rob understood what had to be done – he did resubmit plans a few days later and there is another letter from VHB that we are in pretty good shape. Most things have been taken care of

Jim – another waiver request on elevations for sides and backs of unit.

Susy – they are listed on the front of the plans; I will work with them on the text . . .

Jim – from a technical standpoint, it conforms to the requiriemetns,

Paul – the minor lthings – the colors and the materials for the buildings

Jim – we don't really know what that is going to be – that is what we have hired people to do that

Jim – another thing we have – request for a waiver on sloped granite – you asked me to bring in something that shows where that would be – it would be vertical granite curbing on the radiuses curves – yellow is where - wherever we had sloped edging we now will do berm –

Paul – that will need another waiver to do the cape cod berm instead of the

Paul – what does the board feel about colors and materials – does he need a waiver?

Andy – there should be a waiver because it is a requirement

Karyl – the only issue we have remaining is with the 4 units in the front –

Jim – we generally do earthtones

John – could you give us a palette?

Jim – we use Benjamin Moore paints – New England colors - I will get that to you

Gary Jacob – chairman of the DRC arrives

Andy – he has agreed to supply us with a Benjamin Moore New England colors

Gary – in the early meetings with him, I was out of state

Karyl - muted tones and variations on that

Andy – have you looked at the DRC letter – are you OK with that

Jim – re: the ways to spruce up the front units – we looked at Walpole woodworks catalogue and there are lot of options that are available to us

Karyl – we were looking for something that is going to be visible from the street – something that is structural like pediments or walls - we noticed that the landscape design was absent from the 11 x 17 plans. On the big plans, it looks like the wall was moved

Jim – it has not been moved

Karyl –

Jim – depending on the supply of stone, we will put walls at various locations

Karyl – we have no detail of what the stone wall looks like, we need a detail of that stone wall on the plan – built wall from the existing field stone

John – one of the drc concerns, was to make an effort to handle the stones only once so as not to scar them

Jim – we will try to only handle them once or twice . . .

Gary Jacob – one issue is whether you put a gbucket loader under the walls and lift or will you hand move the stones

Andy – maintain the weathered look to them

Karyl – the other thing that is a concern is that there is a retaining wall, with a guard rail – that piece has not been before the DRC – we want them to be stone faced to have that New England feel – that is an old conversation but a new issue – it came

Jim – we do have a section on that in the plans with a fence

Andy – you were proposing versa block?

Jim – yes, with a black aluminium fence

Karyl – on the interior, we would want to see it stone faced, or cultured stone

Jim – it is a retaining wall so from the site you won't see anything

Karyl – is there any wall showing?

Bob – no

Karyl – if there is any elevation on the road, that should be stone – that is the only place we would have an interest

Andy – at that point the road would not be seen

Karyl – is there a guard rail

Paul – there would be a guard rail in front of the fence?

Bob – it looks like the guardrail is up near the road

Andy – in reality you are probably a foot or two away from the top of the wall, so drivers will see the top of the wall

Karyl – this is an issue . . if this was a stone wall would they need a guard rail

Paul – it has to be designed to take the impact of a vehicle which can be significant – that is why normally a guard rail is proposed – one thing is to use cortan steel instead of galvanized steel

Bob – using stones, they are hard to analyze what type of force they can stand up to

Karyl – Hopkinton is riddled with stone walls -

Bob – it calls now for a wood post with steel beam rail

Susy – subdivision rules and regs support cortan

Andy – OK

YES

Jim – walking trail issue of walking trail – I did meet with Jim Wieler –

Andy – read email note from Jim Wieler – re: Daniels Village ARCPUD – re: a change in the location of the trail – Jim gave Jim info on liability . . and sample easement

Jim – we don't have a problem anymore with the public access easement – we were concerned that if somebody got hurt, it would impact the condo association

Jim – as far as the change in location for the trail – we will have the trail go along the county layout from the taking . . . we will just run it around the wetlands and tie into the evergreen meadow trail

Paul – are you just going to have a separate public access easement? Where

Jim –

Susy – there may need to be 2 separate documents – conservation restriction and the public access easement

Gino – it could be part of the decision

Jim – the walking trail should be on the plan

Paul – show the limits on a recordable plan –

Andy – trail/path down to Winthrop street - that will give the clover lane people access to the trail system without having to go into the development . . STUB . .

Sidewalk –

Susy – note from Dave Damico

Paul – provided two estimates – one based on bituminous berm, and a second estimate based on sloped granite edging as that would be the requirement for that type of street –

Andy – the question is – is it preferable to make a contribution to the sidewalk fund or construct

Jim – I have a problem with these estimates – our costs would be significantly less – that is what it would cost the Town which has to pay prevailing wages

Jim – I have a letter here for the record – requesting that the full sidewalk requirement and donation to the midway senior center be waived

Andy read letter from Jim Williamson dated 3-27-07 – attach and make a part of the minutes

Jim – I would like that to be made part of the record for you to consider as part of making your decision

Andy – is this your response a letter

Andy – you don't want to consider this option?

Jim – I want to get the hearing closed

Andy – we have remained fairly consistent on the sidewalk policy, we may make a change going forward – as of right now, we are not going to make a change

Jim – if we could agree on the sum

Andy – if you are going to contribute the monies and the town has to do the work, then that is

Jim – is there a way to close the hearing

Andy – we are looking to you to consider this option so that we wouldn't

Jim – I even have an issue with 1200 feet . . . we would do the sidewalk between the road about 230'

Paul – I did subtract the road widths, that was not included in the length

Karyl – if they did sidewalk between the two roads, that might be in the layout of the scenic road

Gary – we were hoping to keep that

Jim – we don't have to do a sidewalk there . .

John – the intent of the sidewalk fund is to improve the community

Andy – we had a similar situation on west street and the developer did a contribution – we have adopted a standard and we have to be fair – we understand the nature of the letter – but the town is in a pickle too – we have an obligation

Jim – could we agree on a sum that would be less than \$50,000

Jim – why don't we say we will do one of the two options as identified in Dave's memo or a commensurate amount of work if Dave decides on some other option

Bob – in your best interest to do the work yourself, you don't have to pay prevailing wages like the town does

Andy – senior center contribution – there will be quite an impact on the senior center – the original community building that was proposed to be built is not going to happen

John – 8 of the units are going to be affordable – I believe we could drop the 8 units from the senior center calculation – so it would be 72 units times \$1500 (\$108,000 instead of \$120,000).

Andy – OK, are you amendable to that?

Jim – I would like the whole thing waived, River Bend is not providing 10%, their affordables are in the flats building – there

Karyl – there is going to be a beautiful community center visible from the road at River bend

Andy – they started this process 5 years ago, the affordable bylaw wasn't in play for them but they did it voluntarily

Jim – I don't think people at age restricted communities spend time in senior centers – they often have another home somewhere else - I can't see myself going over to the senior center on any regular basis – I know they have those FOXWOODS trips

Andy – they have a lot

John – it is my sincere hope that people in your community will use the senior center and will contribute to the growth of the center and make it more sophisticated in its programming – I am a stickler on this one . . I am not bendable on this issue

Andy – I do believe that waiving the granite curbing is OK

JIM – OK to do the contribution to the senior center

Gary – the mail building to look like an out building - and have the architecture be similar to the closest units

Jim – it will be clapboards – there is a diagram of it in the plans

Paul – street naming committee status?

Susy – 2 members met yesterday

Bob – chan – motion to close the public hearings . . . all yes

Jim – thank you very much . . I hope when we get all the bids in – I appreciate the waiver on the granite curbing

Andy – other stuff that they can be working on while we work on the permit . . LIP stuff, conservation restriction, public access easement . . need to have this done by may 16 when susy leaves for surgery

River Bend/Walnut Grove on the Charles ARCPUD

Andy – they have requested a continuation –

Susy – we have senior cnete rand marian on april 10th

Marian wants a continatuion . .

Motion – by bob, seconded by john - April 10, 2007 at 7:20 pm - all YES

Other Business

Letter from Barbara Saint Andre re: Country View Estates . . – do not recommend that we enter into an agreemetnon a new stormewater operations and mainteinncce plan

Andy – what about the other problems up at Broad Acres Farm Road?

Susy – I need to forward that info to Paul Carter . . .

Note – Karyl showed Paul the info handed out at the last meeting . . .

Pine Meadow II

Smaller water quality unit product – they asked to use a different product – paul wanted shop drawings and a location plan

Paul – we concur with the plan to substitute -

Motion by bob, seconded by chan to approve the alternative water quality unit

Andy – Gary Feldman called me and wanted some breakdowns on inspections, and requesting more information on VHB billings regarding inspections – redesign of the entry – he was concerned that during the course of the inspection a meeting took place between a neighbor and jack lydon – gary was not at that meeting – I told him Paul would address the details of his inquiry – he is dealing with some partners who are concerned about declining market and starting to scrutinize everything – market forces at work

Paul – we will put that together as requested . . .

Daniels Village ANR –

Motion do approve plan as revised – john, karyl – all yes

Signed plan

127 Holliston Street ANR

Bob – no lot line between the two stone walls – the information is not complete – not consistent

Karyl – the ANR does not involve the backlot

John – does it really matter

Gino – all the abutting owners are shown

Andy – what is the desire of the board?

Motion to approve by John, seconded by Karyl - all in favor – chan yes

Andy – No

Bob – abstain

Motion carries . . .

Signed plan

MAPC survey request –

Andy – Gino, will you complete this for us?

Gino – OK

April 12 – 40R workshop/Norfolk County town administrators session

Andy – I met with Dr. Grandmont last week and asked him to establish a baseline so he knows what we will be looking for in terms of data for the 40R application . . .

Bob , chan – bonds for 81U – all yes, karyl abstain . .

Blueberry Hill Road –

Bob – are there other items that are not being addressed?

Refund the money left in the bond account –

Andy – we can't do it

Bob – we should stay on top of DPS

Motion to approve by Karyl, chan – all lyes

Granite Estates inc. – drainage parcel to accept

Karyl – why can't the owner keep it? But it was the intent that it would become public.

Andy – he probably won't pay the taxes on it,

Bob – let the town decide what it wants to do – but we have a letter on another piece of property that recommends we do not own land

Issue – detention ponds on house lots . .

Motion – bob, karyl – all yes . . .

Special Permit – parking in Commercial I district –

Gino – in terms of doing it by numbers was difficult. To solve the problem presented by medway shopping center would have required a tremendous relaxation and also would have removed a big incentive from the 40R – so the resolution is to give the ZBA authority to work this out

Andy – gives the applicant a way to come before

Moiton by john, karyl – to approve both Ci and C2
Chan – we have 19 articles for town meeting – that is a lot

Andy – at the CPTC workshop – in the new Community Planning Act proposal, local option to require only 50% vote instead of 2/3 vote.

Andy – I would like to go before the BOS and ask them to agree to put zoning articles on special town meetings – are you guys Ok with me asking them>

All agreed – YES!!

Can there be a zoning consent

Industrial III

Motion to approve submitting final language – karyl, john – all yes

Beer and wine . . . issue for including beer and wine Local convenience store

Concern expressed by avellinos re: use of beer and wine in

Andy – for next special town meeting . . . matrix of uses –

Things we should have definitions for . . . liquor store . .

Susy – what is issue about listing beer and wine?

Karyl – I think close proximity of convenience stores to teens; isn't a liquor store more capable of handling sales in a more effective manner

Andy – I don't think we should create zoning to prevent people from breaking the law – concerned about an underage employee selling beer and wine to kids

John – by writing it in we are encouraging it, but by leaving it out, we aren't saying it can't be done . . .

Chan – it is still up to the selectmen to make a decision . . I think we should just eliminate the provisions at the end (adult bookstore, bakery or liquor store).

Andy – I think those should stay in . . .

John – what about concluding the sentence after shopper.”

Motion to amend the definition so it ends after the word shopper. – john, bob – all yes . . .

Gino – my concern about taking out the examples is that somebody could come up with something very bizarre . .

Andy- I see little risk

Page 12 and 16 on what cannot be included in open space

Karyl – what about underground systems? There is nothing that would prevent cultecs from going into the open space – what if there are good trees where they want to put in cultec units . . I don't want anything being in the minimum open space –

John - Concern about limiting things too much. We want to encourage OSRDs

Karyl – one of the reasons for OSRDs is to get open space -

Karyl –compliance isn't the point – wetlands are not valuable open space

John – but from an enviornemntal point of view, wetlands are important . .

Karkyl – just not right for developer to be able to use these things to meet with their open space requirements

Andy – I am happy the way it is . . I think the mounded is good because it looks ugly.

Karyl – I think the pB is going to have an interesting experience when they start to clear the land and almost eliminate things – it is going to lose every bit of character that it has – it will never have that character again – the only way to keep it is to protect it –

Andy – projects are going to come before us . . concom protects wetlands, drc looks at landscaping issues and you do a great job of maximizing what the developer can contribute to what can make for a good project – we do want to encourage people to use this process

Karyl – drc is learning

Chan – I would just as soon leave it like it is . .

No change on mounded . . .

Motion by bob seconded by karyl – to fix pages 12 and 16 - move “surface” to come before “stormwater management systems)

Bob leaves . . 10:10 pm

43D application has been submitted -

Andy – email note from April Anderson that the draft was well received – model that she would like to use for other towns . .

April 17 for public hearing for zoning . . .

Send notice to abutters re: zoning public hearing

Motion to adjourn karyl, john – all yes

10:20 pm

April 10, 2007

PB meeting - Sanford Hall

PRESENT: Bob Tucker, John Schroeder; Andy Rodenhiser, Chan Rogers; Karyl Spiller-Walsh

ALSO PRESENT: Gino Carlucci, Paul Carter, Adam Costas, Susy Affleck-Childs

The meeting was called to order at 7:05 pm

CITIZEN COMMENTS – none

Informal Discussion – Paul DeSimone

Had been here before with Wayne Carlson for Mr. Fletcher – we have done a 40 way and a 50 ft cul de sac – very flat – paved

Waivers would be for a 40 ROW; 50 ft cul de sac instead of 60; and waive construction of the road completely –

Paul Trufant keeps his trucks there –

Able to have an acceptable setbacks to street and new property line –

Lot shape factor, uplands, size –

Already paved about 150 feet in .. . total length of ROW is 340

John – I am uncomfortable with waiving construction of the road

Andy – it needs to be constructable and designed and then we waive the paving

Karyl – by designing the cul de sac, are we creating more frontage?

Paul – mathematically, it can't happen

Gino – as long as you are comfortable with the waivers, it looks like it should work

Susy – are you going to do anything about drainage

Andy –not making the condition any worse than it presently is

This is on sewer and town water

Paul – in the definitive we can show runoff from the house to be handled by cul tec – the house lot itself – we can do some deep holes – maybe infiltrate the roof drains into the ground

Paul – will he design the road and the drainage

Bob, andy – yes . .

Andy -0 there was a letter in our pack from Julie Carignan from 30 Field Road – I spoke with her and with George Carem – mr. carem does not still own the property but he is still in litigation – there is a 4 page document that Julie mentioned would be a good background – there has been some work done in the past by Mr. Maciolek – the current status should be reviewed by new town counsel – mr. carem said he would have his lawyer provide an update to our new town counsel – see what we can do to - mr. carem claims he was cheated out of a lot by how the drainage was constructed – had an impact on his property . . carem feels he didn't get a fair price –

Susy – maciolek strongly urged that the town not accept Redgate I streets as long as there is a lawsuit

Andy – motion to ask to be reviewed by counsel – karyl, and john – all yes

7:20 pm – PH continuation – Marian Community

Proia letter requesting a continuation

May 8 at 7:15 pm

River Bend – PH continuation

Eric joins the meeting

Rich Cornetta – we would like to thank you for your indulgence – we had requested a continuations – on our end, because of the technical nature of this decision, we are going through a parallel process with our lender to make sure they are on board – we believe we are coming to an end to that process – we would like to address a couple of points which are the final points to what we have discussed . .

I have an April 6th letter to this body – pertains to paragraph 20 to conditions section – re: performance guarantee

I am looking at page 22 of that draft decision - applicant would like to use a letter of credit as their form of guarantee – I have had conversations with attorney costa with respect – I don't believe we have a disagreement with paragraph 1 of my april 6th letter
He and I have communicated back and forth –

Another handout – distributed – lists out a variety of options for the performance guarantee – mirrors the statute and your subdivision rules and regs – gives us the comfort we need

Adam – I had numerous conversations with mr. cornetta – the board wants as much flexibility as possible – what if the project is sold, you may not be comfortable with a letter of credit from a

new owner – this gives you the discretion to approve the type of security agreement - combined paragraph b and d into one new paragraph b – for clarity – you will have access to the funds –

Andy – we can review what the applicant proposes and agree to it . . .

Chan – the applicant would pick one of the 4 types of security and we would approve it

Rich – we would like it on the record that we would want to do a letter of credit –

Andy – we want to make sure that the letter

Adam – the sample has been provided

Lee – Wachovia Bank is the construction lender

OK by all . . .

Karyl –

Adam – the board does not choose the method, but it would approve – right to review that – in terms of specific money set forth – those are items that would be worked in the agreement –

Susy – we would use paul – pay out of CO

Lee – paul will do estimate – reduction of that amount –

Paul – the only comment on the reduction – you had suggested 100,000

Lee – we could make it \$250,000 instead

Chan – the procedure here is stated that the VHB engineer does the estimate – I think you should do it and VHB should check it

Andy – No, we have our engineer prepare it

Lee – it is part of the observation fee – it has to be consistent off of the original

Karyl – if they were to change the form of performance guarantee –

Andy – thru the consulting fees, we would use attorneys as needed

Andy – when do you anticipate pulling permit

Lee – we would like to start site work in July – then probably September

Andy – we are trying to figure out the cash flow to the senior center –

Andy – the seniors are here – they are putting on an addition – working backwards – 90 days . . approve in the next month – you expect to come back when

Lee – a couple of weeks

Paul – there was one comment I had on page 27, #4 - see NOTES

May 1 – special meeting – Sanford Hall – 7:15 pm

Hugh McGrail – Friends of the Elders – do we know when the money

Andy – earliest – 90 days after June

Susy – could you look at 60 days instead of 90 days?

Lee – I would be willing to look at that . .

Eric leaves – 7:50 pm

Rich – with the Conservation Restriction – they have provided comments back to us and now our lender is reviewing that as well – this land is a good part of the collateral for the loan – we have to make sure they are OK – we do not want to close the hearing tonight – we

Karyl – will the PB

Now to point 2 in that letter – I tried as best I could, to simply state the procedure in which the amount would be adjusted as the project proceeds

Daniels Village Scenic Road Work Permit – April 2 draft -

Everybody is happy !!!

Motion by bob, seconded by j ohn – all yes - Phil Smith votes yes as well l. . .

Biggest concern I have for the tree department – I am not getting any pruning or maintenance done due to budget

Andy – do you have a laundry list

Bob – any priorities that need to be addressed? Then we can work toward the list

Karyl – ash trees on Holliston Street

Diane Maxwell – ash tree roots are very deep

Phil - I can do a list for you – I have been working on a list of streets and trees that need to be taken care of – just about every street – years have gone with very little being done – it is sad really – hopefully

Bob – it really shows up in hurricanes and microbursts

Lot 30A – Stable Way/Country View Estates

Karyl – I think it is a little fuzzy – this

Susy – thihs

Chan – move approval, seconded by karyl – all yes

Susy passed form around to sign . . .

Move on to the Swenson Granite Decision -

Chan – I drive by there quite a bit – those pallets make great screening for the ugly detention pond in front – I think they add to the attractiveness

Andy

John – it is my unestanidng they need to be moved back – they need to respect the 10 foot boundary – they need to move them back another 2 feet or so

Waivers listed on pages 2 and 3 – moiton to approve by karyl, bob – all yes . . .

Motion to accept – bob, seconded by chan – all yes

Blueberry Hill Road

Street acceptance –

Andy – settlement of litigation on hartney acres generated \$25,000 – to be used to improve blueberry hill – there is a \$6,000 bond left remaining that would be refunded – Dave has said the money can be used

Motion to recommend to the BOS to – bob, seconded by chan – all yes

Written communication to BOS from Pb

Andy – if we don't get the second \$12,500, we will pull it from town meeting warrant

8:15 pm – Site Plan for Medway Senior Center Addition

Open the public briefing

Wayne Salo, architect –

This came to me as a kind of last minute thing – I will show tonight that we can answer the questions VHB raised and much of that was because you did not have the existing conditions – I will show you that we have everything – I just didn't have time to put it all together - I didn't know until yesterday that my partner wasn't going to be available

Let me take you thru the issues

I have the as-built plans of the existing site conditions . . . things that were of concern – existing utilities on the site for drainage – these are the things that were in place – part of the original design - I have the calcs that I can give you . .

What I brought with me was a quick response from our engineer – I will send you a hard copy of the calcs that will be clearer - with preconstruction originally and post construction numbers - Andy – is there a way to keep water from draining into the bocce court

Bob – that could be handled by your choice of materials down there

Andy – they push the snow there

Building was done in 1998/1999

Paul – in terms of the comments – some post development drainage numbers were submitted but there were not any pre-construction numbers provided –

Paul – the proposed parking lot grading shows a gutter line in the middle of the access – spot elevations just stop so I can't tell where the water will go there . .

Andy – if we don't get rid of the water, the pavement will break up

Karyl – there is already an icing problem there – sheet of ice there

We will package this for you and send it to you formally –

Bob – I would suggest you extend the grades out

Andy – be aware that when the town plows, it is just one big pile - some attention to the curbing – asphalt berm curbing has been getting destroyed – so maybe a sloped granite at the ends . . . so they know to stop . .

Paul – the drainage calcs indicate all the runoff will go to this infiltration basin – so the intent is to bring the drainage down here from the parking lot

Wayne – like they had done before – we were just moving it out ..

Paul – my other question – how was the water going to get to the infiltration basin? From the plan, it is not clear where the gutterline drainage will go . . .

Bob – good soil up there- really sucks the water in

Wayne- all sand and gravel

Wayne- not putting in any new drainage piping or catch basins

Paul – what do you propose

Wayne - pick up the flow and run it to the infiltration

Andy – sheet run off

Wayne – yes

Bob – they need to show more details –

Paul – provide erosion protection at the edge of the pavement there – an erosion control fabric at the end of the gutter

Andy – is there a concern if they have a pile of snow there – can we crown the road

Bob – if they push it down to the back, you can probably get most of it to stay away from the driveway

Paul – they have it draining to a gutterline in the aisle – normally you would put in a catch basin and a pipe – if you continue the gutterline to the edge of pavement, it might get blocked by a snow pile – do you want to add a structure and pipe there

Bob – if they could crown it – knowing how well that soil does work – I wouldn't worry about adding a structure as long as they could crown it

Wayne - I think we can show that pretty clearly . . .

Wayne- I brought the specs from the original job – confirms what you are saying about the soil

Paul – I have to look at the response from Andrew Survey and Engineering – are you going to have him look at the grading and drainage

Andy – possible for him to get together with Paul on the phone

Wayne – yes . . . I came to show you what you can expect from us – not major clarifications

Paul – another comment about erosion control – what do you propose

Wayne – probably normal hay bales – silt fence

Paul – that should be shown on the plan

Bob – mulch tubes are the preferred by the conglom - and it makes sense

Paul – if he could do the predev calcs in the same form as the post dev calcs

Andy – what is your timetable – is Dave trying to get an extension

Missy – we need to spend \$200,000 by June 30

Wayne- I will speak with Steve O'Connell first thing in the morning – as I looked at it today, I didn't see anything that was not easily resolved

Paul – few comments – the stormwater management report is not consistent

Gino – no landscaping shown on the plan

Missy – no money . . . not included – if somebody would do one for us . . .

Wayne – last time, we took it out to save money –

Karyl – I want to remind you that the budget was huge – issue is disbursement of the funds –

Chan – the only difficulty is the cash flow

Karyl – we are talking about a landscape plan

Andy – we should be referencing what is being done even if it is to be done by volunteers in the future

Wayne – we didn't do a landscape plan – because it is not within the bid process – it will have to be done outside the \$314,000 for the construction . . .

Missy – we will get them to draw up something – do we have to use their landscape plan?
We would really like to have a nice plan

Andy – as part of the process of approving plans – we need you to do this – it is important that we follow the rules and regs – private developers could throw it in our face

Gino – another issue I raised was whether there is noise control on the a/c units – I couldn't tell from the plans

Gino – next – I think I read there was a pole mounted light fixture at the edge of the new parking spaces – is that correct? It should be a cut off design and it needs to have photometric info

Andy – it is pretty dark at the end of the building, the abutter may not be happy

Gino –

Bob – there are also lighting requirements in terms of shine on the abutters that need to be addressed –

Andy – spillover

Wayne – that is standard on every project

Wayne – there is no noise to the a/c units – not a huge ac system

Gino – I wasn't clear if the new handicap spaces are to replace existing ones

Missy – the disability commission asked for some additional spaces so they are in addition

Gino – it looked like on the plans that you have the dumpster enclosure on the edge of the parking lot – if you try to back out of one of those handicap spaces you would run into it – move the dumpster more onto the land vs. the paving

We have a report from the DRC dated April 9, 2007 – Gary Jacob

Read into the record – attach to the minutes

Andy – please look at those issues

Bob – I would offer, as far as pre-wiring for advance communications – typically what is done is rings and strings and put a blank plate over the wall outlet until you decided in the future to make use of it – very simple and easy to do – give you a lot of options for the future

Andy – we are negotiating the wiring of those buildings with Verizon and Comcast so we can link the town buildings – send out communications to whole community – the more we can link the senior center to the community – it is a quasi community center – it is an important building – any of these recommendations would be good to incorporate – lends credibility and makes it more functional and a more usable asset

Wayne – from our standpoint, we would like to sit with the senior committee and look at all these items

Andy – any other comments or questions on what we have reviewed

Chan – drainage calcs can be handled by two engineers – they will present a landscape – I feel the consequence of the urgency to move this ahead and be able to receive the 200,000 from the state – I think the PB should leave it to the people in charge – we should make a conditional approval

Karyl – the \$200,000 can be used for any element or aspect – part of that could pay for the landscape plan,

Missy – yes – but we have to spend the money by

Wayne – the issue is to get something started

Chan – the town accountant told us last week, that without some additional funds, that would then

Missy – we need to get the contract signed, and start digging - if you could paprove this on the condition that this would be in in 3 days

Andy – we have two letters from our consultants that have issues that havn't been addressed – so inorder to write the decision we need to make reference to various documents that we don't have – it is incumbent on you to provide that info – chan is

Chan – there are two letters from vhb and pgc – make the approval conditioned on those items from gino and pgc –

Andy – landscape plan and drc comments

Chan – I don't feel they are obligated to do anything the drc recommends – I think Bob's point about the electrical is good – I am not concerned about any of the other items -

Missy – we are all set to put the shutters on and

Hugh – if we do too many changes, we would have to rebid the project

Wayne- the bumpout change would make the whole project have to be rebid

Andy – the concept of what chan is discussing, is there interest in moving forward?

John – we still have to maintain standards that set precedence for other plans that come before us. . . even if it is our own home we are bulding – we cannot change the precedent as muchas we want to

Andy – we lead by example . .

Citizen – this is an emergency . . can't you respond

Chan – what I am proposing doesn't violate anything – it does violate procedure – this is a public sector project

Andy – I am concerned if someone was to review a less than adequate decision and they decide to appeal

Missy – if you don't do it tonight

We can review this again on april 17th . .

Susy to write the decision with lots of conditions

Karyl – I want to move along quickly – I think there was a whole lot of stuff – that the town, us, that committee – could have had a lot of input earlier on – what we can do now is to expedite this as quickly as possible

karyl – I make a motion that we approve the site plan, conditioned on submission of a landscape plan, drainage acceptable to satisfy vhb's letter – meeting the conditions of Paul's letter and gino's letter – those be addressed satisfactorily to the PB – seconded by chan – will include a rooflet over the west end entrance, and shutters, and will consider to interior and exterior in moving the door and windows and doors and include rings and strings/wiring - consider to achieve balance with placement of doors and windows on exterior

karyl – there is no apparent reason for the doorway location –

gary – it looked like it could be adjusted easily

gary – it appeared that the whole decision was driven by the inside layout – no concern given to the outside which will now be more visible from Oakland Street – it needs to be balanced – needs of inside and outside appearance

karyl – I understand that the key thing they could not do is the bump out

hugh – I think the only one agreed to is the door changes -

karyl – the concerns of the interior are not so much a big thing of the DRC, except that as residents – there hasn't been too much thought about the rooms, and space and how it should be bigger – in defence of some of the drc comments, I think it was only because there was a lack of real consideration on what was going on on the inside

gary – the roof thing is to keep what you have . . . no change being asked for

chan – I don't like to do this . . . but I feel I must – I spent my whole life involved in construction – I am saying 100 people, 99 people would not be able to discern the issues that gary you make – I don't say that as a criticism – I respect what you have done – this is not this kind of project – the average citizen would not have any notion of what you are talking about – I mean it – I am not criticizing you personally – you are doing a fantastic job – but these issues

karyl – responding – they absolutely will be able to tell the difference – I am a pb member, - you will see the difference, no matter who you are

andy – we draw our direction from the master plan – traditional new England architecture – this is what we consider when we can do so – we need to accord it the respect that it deserves – certainly the drc deserves recognition

chan – I did not say I disrespected the master plan's objectives – the level of details you are talking about falls off the table

andy – I think that shows disrespect for the average person

john – people may not know why something looks good or not, but they can recognize when a building doesn't look good – it is just that simple –

any more discussion on the motion

all yes - . . .

wayn e- the landscape plan – the project is involved with an addition – plan for the addition or the entire site?

Bob – just the addition –

Susy -

Continue to april 17th – 8:00 pm - motion by john, karyl – all yes

Motion to approve PGC fee estimate for 487.50 – karyl, john – all yes

Motion to approve VHB fee estimate 1085 – karyl, bob – all yes

Motion to waive application/filing fee for this project – karyl, bob – all yes

MAPC letter –

Chan – I thought the project at the Bellingham line with industrial property would be ideal for us . this does eff

Andy –I met this morning with Mary Chaves and Stacy Wetstein on that exact idea – In fact Mary Chaves is coming to tomorrow's workshop – she will be filling in for Susy when she is out . . we are working on that now – Stacey and she are going to set up a meeting with the Bellingham TA with a few other folks – have a road come in next to the yellow house on route 126 – to connect up to the industrial property

Drc design guidelines – public hearing on May 8th . . .

43D application review is Wednesday, april 11th – I am on standby to answer questions between 10 am and 12 noon . . .

Parallel – the MORE job s application – the first step is that process is due May 1 – got that back to bill Wright – ready to go now – send it next week -

Andy – going to 40R meeting on Thursday morning

Motion to adjourn john , seconded by karyl – all yes

Chan – I want to complement the chairman and susy on letter to abutters of Commercial V district – that is a good thing – one of responsibilities is to promote the changes – Thursday night meeting at Restaurant 45 –

Adjourn at 9:40 pm

4-12-07

Informal Discussion – Neighbors at route 126/109
Restaurant 45 – 45 Milford Street

PB Members Present – Andy Rodenhiser, Bob Tucker, Chan Rogers

Also Present – Susy Affleck-Childs, Planning Board Assistant
Matt Lynch, MDN

Mrs. Alexander
Mr. and Mrs. Noturno
Avellino family members –

Chan explained intersection upgrade with MDOT – there will not be a separate left turn lane for eastbound route 109 turning northbound – it will be an on demand green light with the new system. We did do an adjustment last June with the existing hardware and there has been improvement since then. There will be a whole new traffic signal at this location.

Neighbor – there was a delay green in Bellingham at the strata bank location on route 126 that didn't work and they had to change in.

Neighbor – little tree road – there is still a lot of back up at this intersection. It isn't

Neighbor – traffic is only going to get worse

Bob – State has jurisdiction over this roadway

Neighbor – the commercial V as it presently exists, concerned that the intersection design didn't consider the possible future uses

Andy – the traffic counts are fairly light for this roadway

Chan – MassHighway won't allow a whole new intersection redesign

Neighbor – this is a disaster waiting to happen – if you change the zoning laws in Commercial V, it will make it worse

Andy – we are not talking about putting in a destination business – not a big box or a large shopping mall

Chan – he is saying it is inadequate now – he can't turn left from Little Tree Road onto Route 109 westbound

Mrs. Alexander – we have been here 40 years . . and the width of the roadway hasn't changed at all during that time . . .

Andy – let's get started on this zoning discussion . . . the first few pages cover how the Medway zoning bylaw can be amended . . . then the next sheet is what the actual article is to make the addition to the commercial V text that will be on -

Question – 4,000 square feet size – seems big

Andy – we were concerned that we didn't want to have a little kiosk selling gas – wanted to have the good aspects of the convenience store – we took what was proposed and what items of it were opposed, we asked the DRC to look at this and craft something that would be more scaleable to the neighborhood and palatable and still support economic viability at the intersection of two state highways so the property could be used to its highest and best use.

Andy – New England architectural styles – guidelines – what gets built will have to look good

Neighbor – so it will look like what was proposed before

Andy – it could be a bank . . . there is no specific tenant right now

Neighbor – you are opening a can of worms that is huge – the canopy will have to be aluminium – there are no aluminum houses around here – it shouldn't be a Hess gas station

Andy – the Tedeschis on King Street in Franklin is viewed as a better looking option – look in DT Hopkinton

Andy – with a special permit, we

Neighbor –

Andy – if this amendment is passed, this becomes a possibility

Neighbor – any lawsuits on the first proposal

Neighbor – has the town looked into the health and environmental issues of a gas station

Andy – part of this meeting tonight is to help you understand how the public hearing process works – at town meeting, there needs to be a 2/3 vote in the affirmative.

Neighbor – hypothetically, if a gas station is proposed after this is approved, does the town look into the environmental or health effects?

Andy – you are welcome to put forth any evidence – introduce it during the public hearing

Andy – next Tuesday night is the public hearing on all the zoning articles

Andy – under a special permit, as opposed to a use allowed by right, there is more discretion

Andy – under the earlier proposal from DRAKE – difference of opinion on whether the use was allowed; the avellinos asked us to look at this zoning – we don't even have to give you notice – but we wanted to have this session – as abutters and residents, you are a minority in this town – we are concerned – I go thru this

This would allow the possibility of a drive-thru

Neighbor – my biggest concern – rustic and little tree – concern is about a gas station – health and environmental issues – there are health issues

Neighbor – where the dunkin donuts was used to be a gas station – I would be more concerned about that site

Andy – the underground tanks rules and regs are much harder, containment issues are so strict and stringent on that stuff today -

Neighbor – what role does the town have?

Andy – at town meeting to vote

Bob – I believe that is all state regulated

Neighbor – something here is going to make things worse – waiting for a disaster happen – this is something you can fix – come with me at 8:30 am to turn left onto route 109 – something over on this corner will just make it worse

Andy – the issue of you getting out of your street doesn't have anything to do with the zoning

Neighbor – gas station and convenience store will just generate more traffic

Andy – should we not issue any more building permits in town?

Neighbor – if this proposed change is going to make things harder

Chan – I have some understanding of the traffic problems in medway and thru route 109 – to route 128 – this is not going to stop any development at this corner – we are trying to put ourselves in a position to monitor what is done – if we don't do anything, people will try to go to the ZBA – we are trying to adopt zoning that we can control and be reasonable about what we can accept – the environmental problems you raise are not going to be meaningful – there are gas stations all over the state – we are trying to do the best we can

Neighbor – we are just talking about giving the property owner an option – the concern seems to be the infrastructure and the capacity of this intersection – yes we know the state is putting in sidewalks, no matter what goes in here, the state really needs to be involved in this – what is it going to take – one kid to get by a car

Chan – you have had one kid killed already on route 109 – you are not going to be successful in preventing development at these corners – we are trying to control or guide it so it doesn't interfere with your residences that are close by – whole new subdivision built after DD

Mrs. Alexnader – we have lived across the street from andy – there had been a gas station where DD is now – the road will be the same unless the people widen in –

Andy – the widening of the road isn't warranted today in the state's mind yet – regionally, we haven't developed enough

Neighbor – my comment, can the PB recommend to the state – I have seen the helicopter waiting for the ambulance to get thru traffic to get there – the state doesn't understand the urgency of what this intersection

Judy – I don't believe a gas station or a convenience store is going to create more traffic – I don't think it will bring people out of their way to this intersection . . . I am pleased if it can be brought down to 4 pumps

Bob – there was no justification in our minds for a bigger type gas station

Andy – some concern was that there would be trucks – thru the standards for curbing and radiuses and where the tanks are

Neighbor – it says 4 pumps – diesel?

Andy – typically you would

Bob – it doesn't preclude diesel

Neighbor – whatever goes in, are there bylaws, rules

Andy – that is all conditions that we can put on the special permit

Mrs. Alexander – we don't want 24-7

Chan – these are some things the PB is very concerned about

Neighbor – the floodlights

Andy – there is a bylaw, light spillover off the light has to be contained – they are not allowed to spill off the lot – they have to use light shields to direct light where it is needed.

Neighbor – would lighting be part of the process

Mrs. Alexander – lights shining thru to our home

Andy – a lot of conditions existed before proper planning techniques were in place

Neighbor – please do it right this time –

Andy – we have two design professionals, and two engineers – we want to communicate well with the community – we understand you are the most affected – much greater than somebody that lives elsewhere – all we can do is to try to be as considerate as possible – and as a board to function responsibly – knowing that development is going to occur – in some cases, you cannot stop what is an allowed use – what we are looking at here is to have some control – we have to increase our business properties – we strive for the highest and best use – needs to be aesthetically pleasing – we want to have a good looking town . . .

Neighbor – is the PB an impartial body? I think when some people come out in favor of a project, . . . we pay taxes, this is still important to us – you need to listen to some of our issues – maybe some are not within your control – we have as much a right as the avellinos do to enjoy our property – we just want the best – we understand the town needs some money – do we have to have a huge canopy? There are just some issues that need to be

Neighbor – I am hearing that development is going to happen no matter what

Bob – we are trying to convey back to you – by taking this approach and having a special permit process – it does get the PB involved – adequate design for lighting, drainage, minimize impact to abutters of the area - with a special permit we can impose conditions

Andy – an allowed use by right, they come to use for site plan approval, and we can impose reasonable conditions – we might grant waivers in exchange for doing things for the neighbors

Neighbor – it seems the entire reasoning for this is to allow a gas station

Andy – we had the guy who was asking for the zoning change told us the predominant interest was from gas stations – the development costs of this site are extremely high –

Neighbor – from the gossip, it was supposed to be a convenience store and a gas station and you would keep the florist in there – I work for the 99 Restaurant – they impact the residential neighbors – reduce property values

Andy – with due respect to everyone here, when those houses were built (little tree and rustic) many folks in town thought what were they thinking – you know what the potential is – you wonder why they did that – it is a neighborhood now – and now we have to deal with trying to work for the best interests of the property owners and the neighbors – land is the only resource we have in the town

Andy – this area south of commercial V – there has been some discussion about changing the zoning all the way down

Neighbor – we are concerned about what types of uses go in and traffic – our only recourse is working with the town – it sounds like the town is saying that a gas station

Andy – I would like to see a bank there

Andy – I have talked to both middlesex and digital credit union to consider a bank at that location

Neighbor – I would like the convenience store and gas station

Andy – I am trying to do my job as PB chairman to facilitate proper planning and to communicate well with you guys – these guys are the same way (Chan Rogers and Bob Tucker) – we are volunteers.

Chan – we didn't have to have this meeting and have a conducive atmosphere to hear you – that shows you what we are trying to do

Neighbor – passing this new zoning allows better control better

Neighbor – this article works in our favor as neighbors – it doesn't work as well for the avellinos

Chan – we felt we should go at this more methodically – and get your input

Neighbor – I would rather give him the freedom to do what he needs to

Chan – there are folks on summer street who have houses, who probably won't be able to sell to another residential user, they have a right to get the value out of their property

Mrs. Alexnader – if commercial v goes down summer street – would that impact our tax rate

Andy – it would have effect – you are taxed based on actual use, not what the zoning is

Andy – any other questions or things we haven't hit on

Bruce – is there a major problem with traffic cutting through?

Bob – you should talk with the police department

Neighbor – it is not an accepted street yet,

Andy – I am almost certain that part of his decision is to put up no parking signs.

Neighbor – you are nickel and diming him to death – sometimes- drainage ditches have sunk – huge trucks in and out with stone, etc.

Andy – if it settles, it isn't done right – they have to meet specs –

Andy- we have rules and regs for how the street was constructed – those problems have to be fixed before the town will accept -look up at broad acres farm road – water problems up there – improperly constructed – the street will not be accepted until they are up to snuff – we hire VHB to inspect and follow the plan

Judy – how do long do you let

Andy – in most cases, we have a cash savings account – this board is very adamant about holding their feet to the fire and not giving up

Judy – cant we cash in the bonds?

Bob – yes we can, but there is a litigation process

Chan – we are rigorously following thru –

Andy – thank you all for coming

Concludes at 8:28 pm

April 17, 2007
Special Planning Board Meeting
Medway High School Library

PRESENT: Andy Rodenhiser; Bob Tucker, Chan Rogers

ABSENT WITH NOTICE: John Schroeder, Karyl Spiller-Walsh

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant
Gino Carlucci, PGC Associates
Paul Carter, VHB Engineering (arrives at 8:00 p.m.)

The meeting was called to order at 7:20 p.m. by Andy Rodenhiser

PUBLIC HEARING – Proposed Amendments to the Zoning Bylaw

Motion to waive the reading of the public hearing notice – bob, chan – all yes . . .

Handouts Text of Proposed Amendments to Zoning Bylaw
Notes – Steps to Amend Medway Zoning Bylaw

ARTICLE H - Commercial District V

Vikas dhole, 5 little tree road – I have lived on 3 continents – and I am absolutely amazed by the lack of sensitivity to residents requests – if I look at this proposal to build a gas station in the middle of a residential area and look at your goal to - if you drive 2 minutes in any direction, somebody can get to a gas station or convenience – or if objective is to expand business – look to the existing business areas to redevelop – I see it almost useless for citizens/residents to be here to voice their concerns having gone thru the experience with restaurant 45 – there is no benefit – traffic; hazards of gas station and pollution – I am a chemical engineer – I see nothing positive coming out of this change

Shelley Lynch 15 little tree road – I don't think any of us have a problem with them leasing out and making money – big problem with a gas station – but put something that would be quiet – we all have children – to live that close to a gas station would be detrimental – we are trying to protect our children – we don't want to hurt them (avellinos)

Donna Hainey, 6 little tree road – one of the topics I had wanted to address – is there a lawsuit pending

Andy – there is not

Donna – who initiated this change

Andy – the avellinos

Donna – why do we need another gas station in Medway?? Is that what we want medway to be known as? But I read this over again. Can a site plan be denied? If the plan depicts a use or structure that is so . . . intrusive – the lighting and canopy will be intrusive, - I counted cars that cut thru – over 10 cars tonight – and then the welfare of the public – I think I said . . . I wonder if you are listening to us – it is school vacation and some people are away – we have a voice as much as they have a voice – some of you have already come out in favor – we do have a problem with the gas station – canopy and lights – it all goes back – if you go by what you are saying here, I don't know how you can go forward with this . . .

Andy – to respond . . . when a site plan comes before us and if we were to make those type of determinations, it is subject to appeal – if we make a finding – that a canopy is intrusive, it could be appealed by the applicant and a judge could make the determination whether it was intrusive or not – if frequently found, a judge could say no – in the meantime, the town has to spend money to defend itself . . . so whenever we make decisions, we have to make decisions that we can defend and point to case law for grounds to support our decision – to have a decision that we can't defend would cost us money and the judge would make a ruling and may or may not incorporate some of our findings – when we have faced this before and we have been thru training on defensible decisions – you are a neighborhood within the community – we have to represent the whole community – one resident comes and says they want a change, we are not likely to hear from many people – then at town meeting, the decision is actually made – have I

Donna – I guess so to some extent

Andy – something else I should address specifically

Donna – we are looking at health, safety and welfare – bill and his wife have done some research on leukemia and gas station – suppose down the road, and a child develops leukemia and it was because you allowed a gas station to occur – are you going to accept responsibility for that

Andy – that claim could be made toward any gas station or any scenario like that – what we need to look at – it is a regulated commodity – are there presently restrictions on it – I believe they have addressed vapor recovery systems from a regulatory perspective – up to courts and insurance companies to determine whether they work – we have to make a decision based on fact, not arbitrary or capricious

Donna – if you have to base it on health, safety and welfare

Andy – govt allows us to self serve gas without a respirator – I have never –

Donna – I am saying before it even happens, our safety and welfare is being jeopardized by this action

Andy – this one would be more modern and safer than an existing gas station that is close to you

Shelley Lynch – why take the risk, it is zoned commercial – it is all about money – and they are asking you

Andy – the gas station has pulled out of this – they are asking for a gas station to be allowed is because gas stations are the predominant interest –

Shelley – you

Andy – you will make this change or not at town meeting –

Chan – I am not – we are not working for them – but it is their right – there are other people who live on route 126 that will never be able to sell their house for residential purposes – two lane roads . . . there will be more concentration of traffic. The people who own property on route 126 want some changes and they have a right to get zoning changed – that is how the commonwealth and most of new England works – town meeting – we feel we would control the scope of the project by having a special permit – to deal with hours of operation, a gas station was proposed, we examined the whole area within 10 miles – filling station on route 126 and 16 in Holliston – right in the middle of a residential

Donna – we don't live on route 16 or route 126

Shelley – it is already zoned commercial – they can still make money leasing it as a commercial

Saurabh Menon, 4 Little Tree Road – Holliston gas station – how many really exist in residential areas – as the town planning board, you are making an exception to a rule – there are plenty of gas stations around that are not in residential areas

Chan – my only intent is to rebut that children will become ill – there are plenty of gas stations all over the state

Andy – there is one on route 109 at Nelsons – there is another one on Lincoln Street,

Andy – there is an intersection of 2 state highways, zoned commercial – it is appropriate zoning to consider changes in commercial – we aren't changing a residential zone to business zone

Saurabh – if you are going to justify that – if there are x number of gas stations in a residential area, how do you plan to address intrusive

Andy – thru the special permit process, there is mitigation, how a project is presented during the application process – you can institute conditions to address the problems that are identified – for example – litter,

Saurabh – we established at the last meeting, it is not possible to put in no parking signs on little tree road

Andy – those items are conditions of a special permit

Andy – little tree road is not an accepted way, it has no bearing

Saurabh – health and welfare - how

Andy – are you asserting that somebody would park on little tree road – we could impose a condition that no parking would be allowed on little tree road –

Billhoye, 7 little tree road – with regards to the statement donna read re: intrusiveness, I understand that the zoning laws allow for commercial entities – that the new bylaw would allow for gas station – there are numerous studies by epa – increased risk of leukemia for children who live within 1000 feet – the fact that the risk exists, concerns me – I resent that you say it is a scare tactic – 24 children – we are worried – it is on record now – the planning board that there are studies out there by epa – what does then the planning board do with that type of information? Whose issue is this? It is impossible to bring all this info to town meetings? What is the next step for a citizen like us to address this issue? A risk exists – I find it hard that somebody – hard decision to live with – I couldn't live with myself if I made that kind of decision – what do you suggest we do

Andy – I don't know that I can answer that

Gary Jacob, broken tree road – you want to address the public on a broader scale – letters to the editor – or a web site – what about gas stations in general? I would think that and leaflets – you could go to that extent –

Bill hoye – but that is with the end result of a specific vote – does the PB or town – andy mentioned another location –

Andy – Nelson's gas station has underground tanks that date back . . . at least 14 years – I suggested you speak to the fire chief – those aren't issues relevant to this public hearing

Bob tucker – I know he has at least one dug up

Bill hoye – who would have known about those issues? Does somebody have the responsibility or accountability to let the public know about

Andy – I am not saying there is a problem down the street –

Bill – who is protecting us? If this gets approved . .

Andy – if you are complianbign about the potential problem here, then what are you doing about the existnence of the exsting underground tanks – this problem may have been lying dormant since you bought your home – you either thought it wasn't problem

Bob – the only thing I would be familiar with

Andy – the town issues an underground storage tank permit – fire chief – it would be good for all of us to take alook at . .

Bob – there was a gas station at the dunkin donuts site – back in the dark ages when I used to be involved in civil dngineeirng, before you could sell a gs station there were certain requirements before land could be sold – those are all attributes that you would want to look into . .

Bill – I have never even thought about it . . there is some type of epa or town oversight

Gary jacob – I odnt have specific knoweldlge of gas stations – I would suggest – get on the dep web site – air quality and water quality departments – I doubtl there would be any groundwater monitoring – what triggers inspections . .

Bill – that would address existing gas stations –

Andy – for Nelson to renew his permit, he has to have a vacuum test done and provide a recertificlatoion to the fire chief – you can find out about that information – that would be the same thing that would be required of anybody that would ocme in now – assured that a pipe has containment around it . . which probably doesn't exist at existing locations – the tecdhnology and what we have learned is

Bill – this has all been helpful fo rhte old ones – does the PB acknowledge that there is a health risk?

Andy – if it is not done properly, yes . . but I think there is a credible argument and legal opionoin could be provided that tehcnilogy existis to provide sufficient safety

Bill – so you guys feel, it is OK if it is done right, there

Chan – they have to do it right or they don't get apermit

Bill – so if the town acknowledges there is a potential risk of children living near gas stations, what can we do?

Bob –

Andy – we have to strike a balance between an appeal that could be mounted in court by an applicant seeking a special permit and we were to deny it, that decision could be appealed based on technology, the judge could deny it - you are suggesting there is info that the pb should acknowledge that a potential of risk exists . .

Bill – it has been brought to your attention – what does the PB do with this?

Andy – does the board feel there is a sufficient need to pull this article based on what he has said about his concerns about safety because of potential danger of spills and fumes

Chan – I would not consider it, I raised 8 children in Texas where there was no zoning – within 100 yards of a gas station – I survived and they survived – I don't believe a gas station is going to be in any way unhealthy to your children – that is a personal opinion – there is a decided interest in gasoline dispensing there – we work with the rules to make things happen there – I wouldn't put a gas station there if I had my druthers – it is the developers that decide what goes where – all we can do is influence how it is done right – or facilitate a zoning change to a higher and best use – if we turned it down because of your concern, . .

Bob – I don't think I have heard enough tonight to convince me there is an eminent danger – is it something to consider as we go forward? If you could present hard facts if a project came before us – I have a tendency to leave my options open and be flexible and see how it falls out from there

Andy – do you have any evidence to present tonight –

Bill- I have a 100 articles – if this something that I could present

Andy – at the public hearing, this is where the evidence should be brought to us – give us the information

Bob – my suspicion is the evidence you have pulled together would give estimated rates of leukemia incidence – at the same time we would need to consider what is the potential of that same occurrence happening based on the previous usages of the property in the immediate vicinity – could that contribute to it or add to that ratio or detract from that ratio – we don't have time tonight – to give time to give this due justices . . .

Whole – is there any way you can put together information

Andy – the public hearing is tonight

Bill – I thought I could present this at town meeting – I think there is a risk – small or big, what actions – bob, your thinking is that there might be something to look at – all I can do – synthesize

Andy – personally, if I am asked to make a de cision – I need to look at how I live my life on a day to day basis, if there was a risk that was real, there is a problem when I am filling it, parts per million is higher –

Bill – exposure time is so limited

Andy – is there an OSHA standard that workers

Brian machaney , 38 milford street –I want to voice my dismay about putting in a 24 hour gas station -

Andy – this is a bylaw change – that proposal was pulled – it is a bylaw change that would allow the owners of the land to have an applicaotn come in for a convenience store or 2 other uses without a special permit – if it was a gas station or a drive thru, it would

Andy – the 24 hour, 12 pump proposal was withdrawn – that applikcant has

Brian – my concern – I don't have a concern about bringing in revenue – when we first bought our house 10 years ago, we liked it – seeing the amount of litter mount up in front of my house from dunkin donuts – now with Ishmael coffee estaes -900,000 homes – blasting – I feel it contributed to my losing my job with the railroad because I couldn't study – it is too bad that the florist would be picking up and leaving – I am tired about picking up the garbage . . . it is a farce that anybody would police litter issues

_____ avelinno – the way the industry is going ,. . .

Brian – if I am off the mark with the gas station – I apologize – the idea with the safety issue, blight and trespassing that would occur with riffraff occurring all hours of the night – you can fill up anywhere . .

Andy – board shares your concern that 24 hour would be unnc essary -, we felt it was not an allowed use – they withdrew without prejeducie – we talked with the avellinos to make it a bylaw change to allow by special permit with all kinds of conditions . . . hours of operation, litter, changes to make it have new england architectur as a main design guidelines – visually we are trying to address these things in the bylaw to protect integrityof the neighborhood, even a requirement like that, a planning board has to make a finding that the architecture meets that standard . . .

Brian – safety aspect of the overall health of the are a- people are still overpumping – still a degree of odor – my biggest concern – I liked the character – there doesn't seem to have much to offer in this town anyumore – we chose to have a small house that is what we wanted and we like the area and we see if taking a nose dive – people don't need 900,000 homes – the trees that were torn down , it seems like we are in the nexus of a wind tunnel – all the trees are getting more topped than they were – I have beenout there cutting down more and more trees – whatever buffer the old farm used to be at summer and route 109 the housing complex –

Andy – the amount of development that occurs can be regulated and permitted, but we can't stop somebody from doing something unless we own the land –

Brian – I see a possible nuisance that will become more of an eyesore – I enjoy restaurant 45 there – good plan – it doesn't seem to be infracting on people's lives except for steak smell – key concern is garbage that piles up – 24 hour brings in all sorts of people – kids who play music at dunkin donuts –

Andy – a drive thru would require a special permit – when dunkin donuts was allowed in there it was a use variance, not apseical permit – we could impose conditions on buffering for sound, or noise not to exceed x decibels so it wouldn't carry over to abutting

Donna hainey – I want some clarifiklcatoin – are the gas people the only people that have expressed an interst in theproperty

Realtor – there are a few people looking – we don't have a contra ct with anybody – there is no trasnactino at this point – we are talking with people

Donna – so you are soliciting other types of businesses

Realtor –

Andy – I have spoken with bank contacts

Dponna – is more revenue obtained form a gas station or another type of business

Realtor – it is dependent on many things . .

Andy – a biotech firm would genereate a lot of personal property taxes

Realtor – there are a lot of uses that could go in there - . . check the dep site and find out where spills have happened in medway . . check it out if you are concern d- the uses that could go there – pier one import, drug store, Christmas tree shop – there are a lot of allowable uses that could go in there without a special permit – they would all have traffic issues that would concern you

Donna – we need to know you are solicitng other types of businesses

Realtor – I have been working with them for aobut a month – we have run a few ads and had some activity – a gas station is another option we would like to examine – the PB is not working for us – we brought a proposal to the PB – they thought it might work with a special permit to protect - ther ei sno offer right now

Andy – another applicant could come in and go thru the exercise that we went through with the previous applicant – and try to make the nexus – that a gas station is a retail use – if we denied it, appeal process

Donna – you tonight will come up with a recommendation, are you going to indicate your recommendation

Andy – we have already been before BOS and FINCOM on these articles – fincom looks at this from a cost and revenues – we can pull this from the town

Susy – PB has to make a recommendation to town meeting – approval, approve with changes, withdraw, deny

Andy – the avellinos could put forth their own proposal to make it a by right – and have town meeting consider that - they originally came forth to allow it by right – we couldn't support that

Whole – I am confused by the discussion here – does this change in the article make it easier or more difficult for a gas station to be there

Andy – both – it makes it allowable by special permit – zoning law is really designed by case law, the courts make determinations – each case is based on its own merits – each case creates precedents – if this was to pass, it becomes more difficult because there would be restrictions we could place on them – require operations and maintenance plan for carbon repalcment stuff be monitoring

Whole – you can impose conditions, but allow for it

Andy – yes

Chan – in the previous discussion, there were a lot of people who made decisions that a gas station was a legal right – we thought it would be better to do it with a special permit – could deal with size, hours and a lot of other conditions that we felt could be imposed vs an unlimited gas operation

Andy – any other comments on this matter?? Or on any other zoning articles

Andy – we are going to keep the public hearing open on the other warrant articles and resume after we are done with the senior center

Andy – thank you folks for coming . .

Senior Center –PH continuation –

Wayne Salo, Dixon Salo Architects -

We addressed DRC comments . . . primarily concerned about western end of the building – so we made a modification – added another window to keep the basic design – centered entry and windows made it symmetrical . . . should address the DRC

Handout

Gary Jacob– this definitely addresses the exterior ideas we had suggested – view of this to Oakland Street – this is much improved with the covered entrance – should be very helpful

Andy – Paul, were you able to meet

Paul – I spoke to the engineer on Friday. He said he might have something on Monday – he said he would give something to the architect to present tonight

Wayne – next item I want to get out of the way,

Landscape Plan was distributed – just for the addition . but we will complete a full plan for the entire facility – planting list all noted – all the plantings shown on here –

Gary – what is going to be left of the existing vegetation on Oakland street? Will it be removed

Bob – it was pretty open in there – clear gravel area there – they are putting in some new stuff there it will help – it may not help a lot at first –

Gary – rhododendrons on either side of west elevation . . . pears on west side and south side – (6 trees) –

Gary – and you will try to follow this planting theme for the rest of the building - don't put too many of the pears in – some people say they are way overdone – they are not really natural to the area – not a weed tree

Missy – we have no money

Wayne – they are hardy and grow well . . . spring flowering . .

Third handout – Grading – one done in red to make it easy to see – some discussion

Photos of water taken today after all this rain –

Wayne – we do not have calcs yet – we will do

Bob – my gripe with the pipes in this area . . . I hate seeing an open pipe – you are asking for a child or a pet to get stuck down that pipe and end up with all kinds of trouble

Wayne – that one is not on our property? It is probably on town property – it starts across Oakland street

Bob – but there are some on your property – 3 ends there

Wayne – we still need to get final calcs to paul – but even if we had a thousand year storm, it wouldn't be worse than what is out there now – we just didn't have time to get this all done

Paul – the contours here do not match the spot elevations here –

Wayne – I picked these up at 6:30 PM

BOB – I would like to see the 162 line in the parking lot - . . . get it fixed – come across and go off the pavement – eliminate the sheeting

Paul – this is all supposed to drain . . . that is your original intent

Wayne – there was concern about it being a low spot and icing -

Wayne – I can speak to the engineer about that . . .

Paul – on the previous plan, there were no pipes shown . .

Wayne – photos taken today

Paul – very sandy soil, least amount of runoff . .

Wayne – we are not dealing with something that will create an issue, but something that we need to provide the PB – it is not an issue for future water retention – it just disappears – you need the calcs

Andy – so we could close the public hearing

Susy – just make sure there is a condition in the decision that the calcs will be provided

Wayne – check dams would be used ..

Paul – needs to provide erosion control . . . don't want to lose the edge of pavement –

Bob – what is your square foot cost

\$165/sq. ft

Go through draft decision dated April 13th – distributed

Edits . . .

Wayne – we might be able to extend the beam that would allow for the future opportunity to open up the entire space with folding doors inbetween – dollars may be small enough to make it doable –give the senior center more options – if we can accomplish within the budget and schedule – I don't see that as a really big item – I took as good a look as I could at the DRC recommendation s- even 5 years ago there was not a lot of discussion – it was hurry up to get in the grant . .

Discussion

Motion to close the public hearing – chan, bob – all yes . . .

Signatures on site plan decision . . .

Wayne – thank you for endeavoring to get us all signed, sealed and delivered .

Paul leaves at 9:15 pm

RESUME public hearing on Zoning Articles . . .

Enter into the record the letter of Barbara Saint Andre dated April 2, 2007

May 1, 2007 – continue . . to a date and time specific – Sanford Hall – time to be coordainted - 7 pm – then continue to a specific time -

Also enter into the record the letter from the neighbors . .

Waive reading of the letter – bob, chan – yes . . .

Bills

FSU Forms/Supplies Unlimited - \$152.56 – printing - chan, bob – all yes - General Fund

PGC Associeates – consulting services – various . . . zoning articles - \$1087.50 – bob, chan – all yes

Bobrowski – medway gardesn - \$625 – plan review – chan, bob – all yes

PGC – \$225 – plan review services – motion by chan, bob – all yes

River bend – motion to extend deadline on subdivision plan - all yes – to May 31, 2007 – approve applicant's request to change deadline

Adjourn – motion at 9:40 pm – bob, chan – all yes

May 1, 2007
SPECIAL PB Meeting
Sanford Hall

PRESENT: John Schroeder, Karyl Spiller-Walsh, Chan Rogers, Andy Rodenhiser;
Bob Tucker; Eric Alexander

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant; Gino Carlucci, PGC
Associates; Paul Carter, VHB, Inc.; Adam Costas, Blatman Bobrowski
and Mead

Meeting was called to order at 7:07 p.m.

CITIZEN COMMENTS – None

Reconvene Public Hearing Continuation on Zoning Bylaw amendments

Andy – We will move that into recess and reconvene later after the PH continuation on River Bend is finished. – estimated to be at 8 pm

Invoices

\$15.73 – FEDEX – bob, chan – all yes - General Fund

\$228.79 – WB Mason - - karyl, chan – all yes – General Fund

\$ 52.50 – Petrini & Associates – CO - legal work for countryview estates to review the proposed new stormwater operations and maintenance plan proposed by the Streifers as part of the settlement with Greg Whalen. – karyl, chan – all yes

Other Business

Letter from William Proia representing Marian ARCPUD – status report – delay in submitting revised plans per the agreed upon schedule – shall we still come on May 8th?

Andy – We have a letter/status report from attorney Bill Proia re: the Marian community's ARCPUD project. They are scheduled for a 5-8 public hearing but won't be ready to submit the revised plans per the agreed upon schedule. They ask if we still want to meet with them to discuss other matters or continue? I would suggest that we wait – BOH has informed us that the pine grove may be needed for septic

It was agreed that we would continue the public hearing till June 12th

Eric Alexander – who can vote on the Marian project?

Susy – Andy, Chan, Karyl, John and you

7:15 p.m. – PH continuation – River Bend Village/Walnut Grove on the Charles

Rich Cornetta – happy to report that we have come to terms without lender as to their concerns about the special permit – I have reviewed the most recent version dated April 26 – it has incorporated all the suggestions of our last meeting – we don't believe we have any further information to provide to this board and we would request

Adam – I have reviewed the latest version – essentially a cleaned up version of the previous version – sections 20 and 22

Andy – susy, you will remove the text in the highlighted sections

Susy – yes . . . will do so.

Adam – eliminate 12 c as it duplicates 6 c - all agreeable

Susy – need to vote on FINDINGS – starting on page 6

Chan – move approval – eric – all yes . . . on the FINDINGS !!!

Chan, eric – to approve special permit as presented and amended – all yes . .

May 8 to address the subdivision decision

Motion to close the PH on the ARCPUD special permit only – chan, karyl – all yes

Continue public hearing on the subdivision to May 8 at 7:20 pm

7:35 pm Adam departs . . .

7:35 pm. Eric departs –

OTHER BUSINESS

Discussion on DRC meetings with applicants before application is filed

Karyl - a lot of meetings were held with DRC during a preapplication stage – midway gardens, we don't have much leverage at that time – what do you think about limiting the number of drc meetings before an application comes in – had another situation last week where a pre-applicant came back without making any progress, actually it went backwards - so my question to you is should we put a limit to the number of meetings the drc would have before an application . . .

Bob – I think it would be wise for the drc to establish its own limit - want to get people into the right ball park – I would support something like that – I think the drc should decide amongst themselves – suggest 1-2 meetings – if you are serious,

Andy – I object to when they come into the PB and say they have been meeting with the DRC for months . . imagine you feel like you are wasting your time

John – I agree 100%

Chan – that is fine for that situation – there may be other situations tht need more time

Andy – drc is in a better

Karyl – moving backwards is not an option – wasting time and our hands are tied because there is no application . . . if we have fees so we can hire a consultant

Andy – there has been a discussion of getting some more people on the drc –

Chan – the medway gardens site was a complicated site and it may take longer

Bob – I wouldn't limit the number of pre-meetings to the applicant vs. limiting the number of meetings re: the concept they are bringing in there at the time – 1-2 meetings per type of application

Andy – what had happened with the gas station – informal meeting happened here, referred to the DRC who met with them 11 times – by the time they came back to the PB, they felt they were all done with the DRC . . .

John – the drc guidelines are going to be available to these applicants upfront – they really have one meeting before coming in

Karyl – there is nothing in any of the applicants that we are asking for that is magic – simple rudiments only –

Susy – maybe also require tht the designer attend the informal

Karyl – but sometimes the designer isn't really that helpful –

Andy – leave it up to you guys to decide – leave yourself open – but 1-2 is reasonable

Put this issue on agenda for DRC –

Susy – MBC rep to the DRC – we need to reactivate

Andy – micky whitney might be interested in serving on the DRC. She has mentioned it to me before. (NOTE – Mickey is a mortgage officer at Medway Coop Bank).

Andy – medway business council wants me to come before them to present our warrant articles . . . call Dick Parella to see when Andy should do that.

Chan – both Gino and I attended the MAPC Futures Plan this morning – tied to the initiatives to change the zoning and subdivision statutes - the engineering profession council chose not to take (ACEC – business organization --) decided to stay neutral – great plan;

Chan – patrick's people came out today with a new way to finance schools – small towns use big lot zoning to keep kids out of town –

Bob – no reports

John – CPC – we discussed 2B Oak Street – current thinking is to keep it intact and get it to the point where a nonprofit could take it over and bring it to the next level – we have the grant for \$200,000 from the state – look at putting that money into the barn to make it leasable – find or create an organization that would take it over – what level do we need to get it to be able to turn it over to such a group – example in Medfield –

Andy – would it be

John – no, the non-profit would raise money privately to continue the rehab effort . . .

Karyl – how would it be used?

John – barn could be used for functions – fairly substantial – in fairly good condition

Karyl – community flea markets would be neat

John – talk of a gazebo going in on the property in back near the pond – serve as a gathering place – also handicap access restroom –

Karyl – architectural

John – the firm that was brought in to assess the structure is very committed to historic preservation

Karyl – it might be a good idea to evaluate it architecturally to see if keeping the appearance externally

John – they are looking at making the barn be a more open space – the building is very important historically – there are some very nice details . . .

Gino – 43D update expedited permitting program – they asked for 3 additional explanations to our proposal – they wanted to add a minor task to identify additional sites, also a scope of services for consultants that would be involved, and also info on how the technology estimates were derived – meeting next week with the interagency permitting board – they were only asking for further site selection to be included in the work plan . . .

Gino – has that been forwarded to April yet?

Susy – no, I can do that this week

Andy – please say that the basis for the numbers are actual estimates . .

Gino – I wanted to check back with the technology estimate – I would suggest in the transmittal email we explain how the numbers were derived –

Gino – they want this back first thing tomorrow morning – I will send it to April tonight -

Susy – Gino and Andy will go to the inter-agency meeting next week.

Andy – here is a copy of the grant proposal if anybody wants to look at it

Chan – dave got a report from a traffic engineer on the highland, franklin and main street – recommend a different phasing scheme – he wants me to look it over – then they would have to hire a reprogrammer – Norfolk county engineer –

Andy – having the intersection at the community church – reprogram the signal so the eastbound route 109 traffic would have its own phase to turn left

8 pm – 2 minute break

Reconvene public hearing on proposed Zonign Bylaw Amendments

Letter from neighbors on little tree road – list out all parties – dated April 10, 2007 – enter into the record

Chief Vinton has written the PB on April 25 – enter into the record

Board of Health memo from Bill Fisher – April 17th – enter into the record . . .

Motion to enter all letters into the record – karyl, bob – all yes.

Motion by karyl – to waive the reading of the letter from the neighbors – bob – all yes,

Andy – we will be meeting with town moderator mark cerel to go over these articles

Susy – I have the text for two minor tweaks as recommended by town counsel – for articles 38 and 41.

Motion by chan to amend as suggested by susy. karyl – all yes.

Chan – I move we approve all the articles in their totality, as revised, seconded by bob

Andy – any objections

None

All yes . . .

Karyl – there is a proposed OSRD of which the septic system is going to be put in the only area of the site that has trees – as we see these projects come in, at some point we will need to relook at it again. Clarification – not yet proposed, but it is one I am aware of, I saw the plans.

Chan – you are anticipating that this will happen

Karyl – it is not an application yet, but it is happening

Chan – I would think the board has the authority to address that . . .

Andy – what is your point ?

Karyl – this is only a comment – about something we are going to be dealing with - I don't feel the new OSRD text will address my concern –

Andy – I am not following this

Bob – if this article is approved – article 37 –

John – I have this question

Bob – are we

Gino – suggest eliminating “serving the OSRD”

Motion by Chan to exempt article 37 from the prior vote – karyl – all yes - SO
IT IS OK TO Discuss

ARTICLE 37 –

Paul – what is the concern? Karyl is objecting to the fact the item 2 is mounded

Karyl – no, I didn't understand surface vs. wastewater and stormwater -

Bob – wastewater is septic

John – add wastewater to item 2

Chan – it would be appropriate to remove wastewater from #1 and then add wastewater to item 2

Paul – take out the word mounded

Karyl – I don't want these underground

Andy – when we talked about this didn't we also talk about doing this similarly to the wetlands

Karyl – as it is written now, I am happy with this

John – I understand if this is the consensus of the board. But I want to be clear that you do not want to allow any wastewater treatment of any kind in an OSRD and ARCPUD? is that how you feel? The spirit of the OSRD and the ARCPUD is to encourage cluster development – if we make it too restrictive, we will end up with conventional development – I am trying to walk a fine line to encourage people to use OSRD path and protecting the open space – I thought we had found a compromise – but if you guys feel that you don't want to include it . . I am ok with that.

Karyl – it does make a very big difference in the practical cases we have already seen – where the open space has been changed by the nature of the septic system –

Motion for PB to recommend amending article 37 by eliminating “wastewater and” in item #1

and to eliminate the word “mounded” in item #2. – KARYL, CHAN – ALL YES

MOTION TO EXEMPT ARTICLE 41 FROM PRIOR APPROVAL – ALL YES

MOTION – SAME FOR ARTICLE 41 AS FOR 37 – ALL YES –

CHAN – in general, andy will bde handling these at town meeting ?

Andy – yes, susy and I will be working on this.

Chan – I move we approve all the proposed articles as amended – chan

9:00 pm – 2 minute break

DIUSCUSSION - COUNTRY VIEW ESTATES SUBDIVISON

Andy - It being 9 pm – we have got country view estates subdivision

Greg Whelan – I have a couple of plans from Paul Desimone re: the easement – which paul says do not have to be endorsed BY THE pb

Ed denn, attorney for the sTreifers – in court the parties reached a written settllement agreement and dismissed the lawsuit – the plans depict the terms of the settlement agreement – one of the provisions is to move the easement line – we need approval of the PB to do that – other questions asked by the board were whether the town needed to own the land the detention pond is on – Town Counsel Barbara saint andre does not recommend acceptance of this particular idea. She has reviewed the prosed O & M plan and does not recommend acceptance either.

Susy – So it defaults to the original O & M plan from when the plan was approved

Ed Denn – we may be comfortable with that

Ed Denn - asked us to prepare an easement agreement –

Greg – this is a joke – I can’t believe there is an esemetn in this town that has a 1 million insurance policy

Andy – this is before us to

Susy – we need to find the O & M plan from the original plan

Bob – is this the same drawing that VHB reviewed before?

Paul –

Andy – I am of the belief that if lawyers are involved, and a million dollar policy, there shold be a fence

Ed – the fence issue – concom wanted to have a fence to preserve the pond itself, they backed off of that position – it is the homeowners preference to not have the fence and I don't believe greg wants to pay for

Andy – would the property owner be willing to sign a release for the town

Ed – I would have to discuss this with my client –

Greg – I don't believe there is a fence in town around ponds – why would we do that?

Andy – it states there could be 18 inches of water –

Greg – this easement agreement is ridiculous

Ed – this is my suggested agreement

Karyl – here is my proposal –

Greg – I have two other retention ponds in the subdivision that have easements – I will produce those documents for you

Karyl – the landscape treatment as proposed is good – fencing is contributed artificial –

Greg – there are two others ones that are all grown

Bob – I don't see a need for a fence

Paul – it is just a liability issue that you might want to consider

Greg – before paul came along, the detention pond was an issue with Mark for a long time and he never brought up the fence issue

Ed – to paul's defense, the original design was a hard slope –

Karyl – the PB hasn't had the benefit of counsel - is there a liability issue for us?

Ed – the only issues to be hammered out with town counsel at this point – what operations and maintenance plan does there need to be and what type of drainage easement does there need to be – we may have some differences of opinion on what should be in those documents – we are not inflexible – the easement agreement and O & M plan that we proposed are simply those we obtained from our consultant

Andy – I think the town is exempt from some of these situations anyways . . and if it is not required,

Paul – it is up to the board

Andy – we have taken reasonable measures . .

Ed – concom has approved the plan you are looking at

Chan – as to the fence, the abutting land owner is the most effected by this – I say it is a non-issue – the O & M plan is the developer's responsibility until the street is accepted

Ed – it makes sense to involve everybody in the process

Bob – what are we looking at tonight?

Karyl – the land owner gets some more back yard because the easement is moved and the pond is moved back – that is a tremendous value to the homeowner. How far back?

Ed – probably about 35 feet -

Chan – more like 60-70 feet

Karyl – is the original O & M plan irrelevant now because of the changes in the design?

Ed – has anyone seen the old O & M plan –

Greg – I need another month for the land to dry out before I do any work.

Paul – all the other comments have been addressed

Andy – is the board OK with letting the fence go

YES – all agreed

Andy – are we OK with moving the easement line?

Karyl - Greg, does the easement line change effect you?

Greg – no, it just bothers me

Paul – I don't believe that Dave D's comments have been fully addressed

Ed – I believe dave Faist has been in touch with him and worked that out. The plan reflects what Dave d anted.

Susy – the plan we have predates Dave D's memo.

Bob – I want a letter from Dave saying whether this is acceptable – he needs to close the loop –

Greg –

Bob – my suggestion – some closure is needed from dave d'amico – let them go away and take care of what they need to – get comments from dave – determine which drawing is up to date – then come back to us when they are ready – we are muddying around in the slop pile right now – I am not in a positon to recommend, vote, on what we doing righ now.

Greg – it seems like Dave D and dave Faist (Greg's engineer) need to come to a meeting of the minds –

Karyl – we need to be brought up to speed on something . . .

Chan - if dave's concerns may not have been satisfied –

Andy – we need a letter referencing dave's satisfaction with the revised plan –

Greg – I think this could be easily handled – dave faist could ask dave damioc to sign off on the plan - the new plan is 10/18/06 – that is the most recent one –

To do

Get sign off from dave

Look for O & M plan

Greg – Paul DeSimone says this type of plan does not need PB endorsement -

Susy – I just want to make sure that something is recorded

NOTE - Bob Tucker departs @ 9:45 pm after receiving a phone call

Question for town counsel – does the new easement plan need to be signed

Greg – ed, do you want it to be signed ?

Ed – OK by me

GREG – I will have Paul D add a signature block for the PB signature to the drawing of the new easement line.

Greg I will work . . . on an alternative easement agreement

Ed –

June 12 to revisit all this –

Country View Estates . . Station 15+00 on Broad Acres Farm Road

Greg – I will do it the way dave d'amico wants it to be done

Paul C – I got a revised plan from David Faist this afternoon – I believe it reflects what dave d wanted – 5/1/07 date on revised plan

Get a sign off from paul carter on the new plan

Get a sign off from dave damico on the plan changes . .

Greg – I hope to get this all wrapped up for fall town meeting to accept the street.

Andy – ALSO – I am concerned about the catch basin right out at BAF road and summer street - right at the edge of the sidewalk –

Greg – this is a major problem, there are kids playing down there

Andy – when it flooded out to summer street, people were freaking out

Greg – I understand what you are saying . .

Andy – it is not working . . .

Greg – I can lower that but that is the way I was told to do it . .

Paul – that catch basin it wasn't on the original plan,

Greg – it is something we worked on because it was a problem area

Andy – I have been watching it – people call

Chan – have the VHB guy go out and look at it.

Paul – it is not an easy fix – it is right at the back of sidewalk

Andy – right at a busstop – it may need a railing . . .

Greg – I don't know how it can be fixed - there is too much water coming down . . there is too much ice coming down – I don't think it will make any difference – I will do that . . no problem

–

Karyl – jack lydon is going to have to go out

Paul – somebody is going to have to design it for us to review it

Karyl – back to the drawing board –

Greg – there is just too much water is coming down from there –

Chan – I think this is a dangerous situation – if this isn't fixed, we will take the bond

Greg – I know what has to be done there

Morgan Heights subdiviiosn –

Steve Kenney – attorney

John Ryder - developer

NOTE – Steve Kenney distributed Declaraiton of covenants and restrictions .signed by the board in 2003 – Susy passed out copies of the certificate of action

Private way – the road has not been completely finished at this time – john has been living in his home he built on lot 3 – he wishes to sell lot 3 and move and build a home on lot 4 – john went to get a loan and the bank said he could not get a loan without a release from the PB because of the language in the covenant.

Karyl – what needs to be done to finish the work?

Steve – roadway and drainage issues – there is \$12,000 being held by the town

Steve – we don't see john as a third party buyer . . he needs a sign off form the board to be able to get his financing in place to build on lot #3 – once he gets the construction of hte home done, he will finish the work on the road.

Steve – back in 2003, there was a document that I prepared . . . a sample certificate of compliance that deals with paragraph 15 in the covenant – it may have to be modified in whatever way you wish

NOTE – Bob Tucker returns around 10:15 pm

Andy – what do you want us to do?

Steve – sign off so John can get his financing to build a house onlot#3

Karyl – he has some water issues – one thing that has happened is that the PB's standards for a country roads have changed – but the drainage design wasn't completed as shown on the plan.

Paul – I wasn't part of the original review of the design.

John – I have the binder down, and have loam and seed – there is no erosion going on –

Paul – there is no berm – I understand there was a lot of discussion about the drainage design when this was originally approved - I believe the design shows 2 feet of crushed stone on the side – I took a look at the old inspection reports – the last one shows there was some erosion at the edge and it wasn't clear how the water was getting to the systems and it was running into the wetlands – I think the other thing that was mentioned is that this wasn't not constructed as a T but as a bulb

John – it was done as a hammerhead . .

John – I am not asking for my money back, I just need to get out of my current house

Steve – to appease the closing attorney, but not have the board make any missteps, would the board certify that the it does not consider john ryder to be a third party?

Paul – it is not clear how the water gets into the system . .

Karyl – it was a really horrible water design

John – but it works just fine . . . come up and take a l ook at it

Andy – are you intending to put the berm in?

John - yes, if I put the final coat down now, it will just get trashed during construction

Andy – why didn't you do anything in the 2 years ?

John – I just lived there – I was trying to sell off lot #4 – it has dropped off in value – I am trying to

Karyl – I suggest Paul talk to mark louro

Susy – need to see what the cost of the remaining work would be

Kenney – it was the expectation that lot 4 would sell

Paul – susy mentioned that concom had been out there

John – yes . . they were out to check things out –

Susy – I undersand you had a very frank discussion with dave travalni about the drainage design

John – yes we discussed some things

Paul – is there a utility pole that still needs to be moved here?

Andy – has it been moved??

Susy - did you come here thinking that the board would sign a release tonight?

Steve – I wasn't sure what form of document – board does nto consider him to be a third party buyer – release lot 4 from the original convenat and ocnditons - but keep it in place for other third party buyers

Karyl – that is not the point – the idea was that the water issues would be completed before that lot was transacted . . bite the bullet

John – financially, I can't handle the burden right now

Chan – paul should come up with an estimate on what the cost is to be

Andy – is there money to pay for Paul's time?

Susy- yes, we do have construction observation funds.

John – I can't sell my house, I have to downsize the whole operation – and get something I can fit into . I am open to any ideas you have

Chan – have paul check the estimate to finish the work – maybe there is enough

Steve – maybe we could work some additional amount into a construction loan or an insurance bond

John – I could do an insurance bond –

Andy – let's find out how much it would all cost – when you see the estimate it will be much more than it would cost you?

Andy – could we have jack look at the existing conditions and do an inspection and then prepare a bond estimate . . .

Andy – what kind of time frame

Paul – 2 weeks . .

9:15 pm – on June 12 –

Steve Kenney – thanks for hearing us out . .

Moiton to adjourn – 10:35 pm

May 8, 2007

PB Meeting
Sanford Hall

PRESENT: Andy Rodenhiser, Chan Rogers, Karyl Spiller-Walsh; John Schroeder

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant
Paul Carter, VHB, Inc.
Adam Costas, Blatman Bobrowski & Mead

Meeting was called to order at 7:14 p.m.

Andy – congratulationsto all the canddiaqtes who won and thanks to all the candicdaes who ran – bob tucker was elected and karyl spiller walsh was reelected

Citizen comments - none

7:15 p.m. – Betania II – to be continued at their request to June 12, 2007 at 7:15 p.m. – we will discuss the flood plain issue later tonight so they can go before the ZBA for their flood plain special permit – we will discuss that around 8:30 p.m. – we have to craft a recommendation to the ZBA –

Andy – I guess the first order of business – traditionally after the election we reorganize ourselves and the job of chairman, vice – chairman, clerk - no second – motion dies

Chan – I move the present officers be retained in the current configuration . . .

Andy – does anybody want to do my job

John – you are doing a fine job

Kayrl – I nominate AR as chairman – seconded by chan, bob – all yes . . .

Andy – I am happy to do it, I enjoy

Karyl – I nominate john schroeeer asw vice chairman of the PB – seconded by Bob

Andy – are you interested in oding this?

John – yes, I will tell you that I do not have the time or energy to do the chair’s job and if this is a move toward that, I can’t commikt to that –

Andy – unless I get hit by lighitneing, I have no intention of stopping what I am doing -

Yes – all . . .

Motion by Karyl to nominate Chan Rogers as PB Clerk, seconded by john d

Chan – I accept, I feel it is a demotion, I am aware of that – I thank you for any consideration – I do feel it is a demotion, but . . it is not the first time I have created some acrimony on the board – I will proceed on my own agenda

Bob – I think everybody's opinion is important – I like the board's diversity – I think that is what makes this board as equitable as it is . .

Karyl – I think it is some time for some new blood – nice to have some fresh blood

All in favor – all yes . . .

Susy – next step is committee liaison assignments jwhile I am gong

7:25 pm – River Bend/Walnut Grove – Definitive Subdivison Plan

Susy – chan, andy and Karyl to vote on the subdivision decision

Rich cornetta – may 1 vs. mary 1

Also a discripenacy on deadline – on 5 years vs. 3 years . ..

Adam – I have copies of the exact decision you have with some redlines in it – I have

Chan – I don't think the town is going to step in and perform the maangemetn if the developer fails to perform such – I just point this out – I don't have a solution

Bob – haven't we used in the past . . . the town would want to make sure there is no negative impoact to the town infrastructure and to that extent we would want to make sure there is sufficient obnd maintined –w e jkust went through that with John Claffey

Chan – I am looking –

Andy – digging down Mohawk – this is referring the bond and what the cost to complete is . .

Bob – I think this is an area where we need to consider more in the upcoming year . .

Andy – with more and more condos . .

Chan – if the devceloepr fials, somebody will tgake over in bankruptcy –

Andy – in that period of time, if there are units sold,

Bob – we need to have a sufficient obnd to cover theotwn's needs –

Andy – I think this is all

Chan – I think counsel should review this . .

Adam – this is common language and used in decisions like this – it is not ideal I will agree – you are right it is a private development and in the vent a banruptcy it would not be thetootowns choice to use fuinds – whatever is left unfinished affects the town's infrastructure – it may be necessary for the town to take certain steps in between – the town has the resources it would need to perform –

Susy – this simply enables us to be able to handle maintenance

Bob – we want to be able to handle the basic safety

Karyl – the PB

Adam – this is protecting the town so it doesn't have to take a leap of faith – provides the resources to perform any necessary measures – it doesn't bind the town to compel the development – what the town would do would be decided at that time – goal of town and applicant is not to go bankrupt – this is a protective provision

Susy – I think the language should not be changed – it is the same as was in the special permit

Susy – ask you to look at the project evaluation criteria on page 14 – you should vote on that before you vote on the whole certificate of action . .

Chan, karyl – all yes - on project evaluation criteria

Karyl, chan – all yes – on decision

Note to everybody re: 5/11/07 session in Westborough

Motion on PGC – bob, karyl – 3200 – contracted services – for Smart Growth

\$131.25 – PGC – zoning public hearing – general fund – consulting services – chan, karyl – all yes

8:00 p.m. –Public hearing for the proposed design review handbook/guidelines

Gary Jacob and Dan Hooper – from the Design Review committee

January 29, 2007 version –

Gary – Dan did a lot of the writing in the end – he took it and brought it together – I appreciate that on Dan's part

Andy – I think within our 43D grant application, we have included some monies to put some pictures and illustrations to go with this to help with the overall presentation

Dan – on the scale of overall completion – we are at 3.5 on a scale of 10 –

Gary – there is a lot more we can add depending on how far you want us to take it

Dan – illustratively is what I was referring to – it is void now – at some point, sooner rather than later – we will want to include some graphic elements

Andy – Paul Yorkis had asked that some type of illustrative aspects of the things that seem to be subjective be included at some point – I think it will be certainly helpful to provide

Andy – is there anything substantive that we should have in there before we adopt this – does it not include something major?

Gary – I think we covered – with use – I think the document has evolved – I don't think there are any major voids – I suppose we could try to do some more with low impact development with best management practices – there is a big learning curve there - there is a reference on the DRC's web pages to LID stuff – we could make some more references – a few typos can be readily fixed –

Bob – as soon as you start to use this you will find changes – periodically updated

Dan – editorial curve will be steep at first – you asked if anything is missing?- probably in the residential component of part 2 – we are starting to see more OSRD projects – we don't have too much there – the guidelines that I worked from – I grouped them for the now into a macro heading –

Gary – page 8 recommendation

Bob – I think it is tremendous – something that is needed – I anticipate that this will be one of the things that Susy will hand to them – hopefully, it will eliminate many questions

Gary – there is also a link on the drc web site to just the sign guidelines right now.

John – I think it does do an important thing – it replaces the first meeting with the drc –

Karyl – hopefully a time saver

Chan – I think it is a very important document for commercial and industrial development – I have no comment with any part of this applying to residential applications whatsoever –

Gary- we don't get much of anything for standard subdivisions -

Karyl - it is where it needs to be at this point – good point of departure

Paul Yorkis – I would like to read this into the record – addressed to the chairman – attach and make a part of the minutes.

1. add to responsibilities that drc shall not recommend specific professional consultants (architects, engineers, etc.) and product vendors
2. add sample drawings to the handbook to reflect the design criteria

table of contents page should be labeled as such – and assign page numbers

there are some inconsistencies between table of contents and actual sections – I think it would be good to – minor in substances but important to avoid confusion s

observation – I have serious concern – the guidelines as written for architectural features seem to imply that all residential subdivisions are subject to the review of the drc. The zoning bylaw and subdivision rules and regs do not give any authority on this for conventional subdivisions. I don't believe the Planning Board has that authority and therefore the drc does not.

karyl – I am not familiar with that element of the zoning bylaw, shame on me –

andy – what chan says frequently is that we cannot impose architectural standards – bob Speroni has told us how that we cannot interfere with the building code.

paul – there are different kinds of residential subdivisions – when the PB is acting as a special permit granting authority for osrds and as part of that review process, you look at architectural design of the residential structures

andy – let me ask you, where is it specifically that it is implied?

paul – in residential section of the guidelines . . . architectural features – seems to imply that all subdivisions will be reviewed by the drc

andy – where is it implying that all plans?

Paul – under heading of subdivisions and residential proposals – it doesn't say special permit proposals, or make reference to special permit – I am concerned when things are not clear – the more upfront I can be with this planning board to try and avoid differences of opinion

Kalryl – I think that is a good pint

Rachel Walsh, drc – the reason why I believe it is acceptable to put in those terms – the drc is an advisory committee – we only have an advisory capacity unless there is a special permit required – we would like to have any subdivision care and maybe take some of our constructive criticism – strictly up to the person whether they want to include – meant to be a helpful process of all

Andy – state on the front page of the document something like what Rachel was saying

Bob – this is a guidance set of documents - not a procedure- that the drc can use to communicate

Andy – if we were to state something right on the cover – these things apply under what circumstances - note that these are encouraged but not required

Paul – I would be concerned about the last statement – in the special permit granting authority which the pb has, the drc is a required step in that process – but separate from that, but by the nature of single family residential subdivisions, the PB and the applicant can seek assistance from the drc on the housing styles and types but in terms of the actual subdivision which are covered by the subdivision rules and regs, that is separate from this section – that is why I was calling this out – you ask the drc for input on landscaping and site issues on conventional subdivision –

Rachel – however, applicants only come in front of the drc once referred by the pb to us, if it is not a required aspect of a regular subdivision, they would not be referred to us

Bob – your charter says that anybody can ask for input

Gary – change the name to design review handbook!!

Paul – I would appreciate it if no one would interpret my comments that this is an inappropriate document –

Andy – we need to sharpen the tool for you

Paul – let me ask a question. if a conventional subdivision were to come before the PB, would the PB refer the subdivision to the drc? The point I am trying to make is that this board may refer a conventional subdivision to the drc for evaluation of certain proposals within that subdivisions, but not the dwellings – but these design guidelines do not clearly communicate that distinction . .

Bob – I think this will be a dynamic document for years to come . . there may be a retitling that may be done . . I am not sure what the answer is

John Spink – the only comment – in general practice in Massachusetts – a subdivision plan shows a foot print only for the house location – the building inspector looks at the structure –

Andy – we have a zoning bylaw re: retention wall – it would get referred

Rachel – regular subdivisions are not the only thing that is not referred to the drc – to say conventional subdivisions are not subject to drc . . . say what is involved vs. what isn't not

Dan – I understand the authority aspect of the issue here – I think we are losing the fact that these are guidelines – if we can clarify in a disclaimer – don't be misguided that you are followed - you are not required – the PB may require compliance – this is meant to define a little bit what Medway is, and what it will look and function like . . I don't know – on that particular question – there may be a bit of a disclaimer that we can put in – something that we – all of this stuff is just a guideline –

Andy – maybe we can put in a disclaimer and draft something to give to paul

Dan – there is something to be done

Gary – lets clear up the table of contents, I have one bouncing around my brain right now – primarily used for these purposes . . .

Andy – after talking with you the other night, the state ethics commission has a complete document that covers all of these items, that addresses –

Susy – please don't limit this too much on product ideas

Andy – paul doesn't want us to be in the business of telling developer to use a specific product

Paul – I think the intent of having . . . if you have five different types of vinyl siding in terms of texture without specifying a specific product or manufacturer that would be fine – as soon as you start naming particular manufacturer, especially if you are naming only one . . I am very concerned about guiding applicants to one single supplier

Andy – I think we share your concern

Bob – point well taken

Chan – I would like to point out, Paul’s comments fit with my experience – 40 years ago on a planning board I served on a PB, we collaborated with PBs in surrounding towns, we found that this problem was not only insidious, several towns were sued because towns tried to make developers follow specific design guidelines - that is all I want to say

Karyl – it is nice that this pb does not do that

Andy – any more comments on the guidelines?

Karyl – I have a comment on this letter from Mr. Yorkis – it is probably my understanding that Mr. Yorkis had an experience with the drc involving myself – the assumption that anybody on the drc or the pb is going to recommend any individual is erroneous – it won’t be done – it is unethical – it has not happened and will not happen

karyl – it might be nice to include the design guidelines to note that the drc may be able to hire a consultant of our choosing to assist us in reviewing projects

Andy – he is not accusing anybody - he is concerned that this matter be addressed – whether the drc ever sees fit to hire an architect – I don’t know that that has any place in the guidelines

Gary – we could put in a statement – that the drc does not recommend any specific professional

Andy – I think that is what he is looking for.

Karyl – we encourage applicants to bring in their architect

Gary – another little change that we might want to make is to be more specific

Dan – I would be hesitant to add a negative overture to this – I would rather stay with the encouragement element – don’t mention what we don’t do – if it became an issue –

Susy – two different things – operating policies vs. design guidelines

Andy – why doesn’t someone make a motion - . .

Bob – let the drc make some of these initial modifications and come back to us. Then after that, an annual update

Karyl – this has already gone thru a lot of revisions. we have arrived at this plateau – this does represent a culmination of a lot of thoughts – this is a substantive product and it gives us some basis, and I don’t think there is an immense backdoor of modifications that are hammering to come to this

Dan - recommendation – since the changes as I am hearing them tonight seem to be minor in nature, if it is a two week, we can come back with changes that reflect tonight’s edits

Chan – that is sort of what I would like to do – important to get these implemented as soon as possible – I think you can take the account of what is heard tonight – you could come back

8:50 p.m. – Betania II flood plain proposal - not part of the ARCPUD public hearing

John spink
Rich coppa
Bill proia

Bill- thkas for making time to talk aobut his – we are tryingotfinish up our flood plain submittal so we can ask you to make ar eocmmendatin to the zba under the zoning bylaw to construct in the flood plain- we received vhb’s letter of nov4 – we responded

Paul- I received their revised submission this morning – still a couple of items – in the last review I was looking for ino on the railing, bridge parapet – still looking ofr info on status of chipstone sidewalk – still some issues – on page 7 of my letter and detail sheet #6 – The previous version of these plans had a different bridge parapet than this – I think there was some disucsn with the drc – so I wanst’s ure of thw qatustsu – thisis what these plans show – relative to the culverts themesleves –

John – we worked out ad esignwith the drc

Paul – wooden guard rail extends past the curb line – one issue is you are losing your 22 foot clearance –

John – what we are here for tonight is to talk about making a reocmendaiton to the zba for their jurisdicaton to allow the bridge intheflood plain – all the items you are bringing up are more pB issues – not really in the scope of what the zba needs to decide – their jurisidlatoin of

Andy – aren’t they looking for a reocmmendatin from us that the construction is OK

John – they are only looking

Bill – will the proposed project alter the flood plain

Pual – this issue relates t owhat the width would be – to maintain the 22 feet, it would have to be 25.5 rather than 25 – it is a detail, but it effects whether there is guardrails being used – there are no dimensions shownon this plan – it looks like it oculd effect the sidth - \

Paul – there is no railing proposed, if you look at page 8, the queston is whether this will be handicap accessible? They state they wil meet with the diaciblity comjmisosn – depneidng on how the obard wants to handle it – that could be a conditions –

Paul – it appears the plans have been inconsistently revised – I realize there wasn’t a lot of time to fix things

Paul – looks like they propose not ot have steps – need more details to show how oit would be accomplished – that is the other comment I have

Bob – what criteria does the PB use to make its recommendation?

Susy - the bylaw does not provide any guidance to us on that matter

Bob - I need to take a look at the plans myself

Karyl – paul has told us there are elements within the plan that are inconsistent – width would effect the flow of the river . .

Bill – we are just here to keep this moving forward – what is missing

Bob – we need time to look at the drawings

John – as a general comment, it seems like anytime we meet, that there are 2-3 little details that you ask us to postpone – let's have all of the details addressed and not sidetrack and say it doesn't apply – these things could effect the flow of water –

Karyl – they are thinking what do we think about the width of the road? Then where are we going to put the structure of the guardrail? That changes things

Bob – give us something we can look at and study first – to me, the letter I get at a meeting does not provide adequate review for this board to make a decision

Chan – I see an elevation here for the bridge, but I don't see where the footbridge fits in and the plan doesn't

Bill – this was worthwhile –

John – we have gone to the DRC and gotten this basic view structure solidified with the stone wall and railing and that runs – bridge is actually 32 feet – the culvert is in the riverfront zone

John – we have gone to the building inspector with the question whether there has to be have to have pedestrian fencing on the side of the roadway - NO, unless there is a pedestrian walkway on it per mass highway standards

Bill – this part of it is perfectly in the PB's jurisdiction of the arcaded special permit – which pieces of this could effect the PB's recommendation to the ZBA on the flood plain

Chan – does the design work

John – that is settled

Paul – yes – but what is going to happen with the pedestrian component – you don't have the details resolved about how you are going to attach it to the structure or cantilevered off of it – that is how it relates to the pedestrian bridge-

Karyl – is it the PB's responsibility to waive the width of the crossing of the road . .

John – currently the design is for a 22 foot wide roadway – face of curb to face of curb -

Andy – is the roadway going to get wider to accommodate the 22 feet between guardrail

John – I say no, it will fit within

Paul – that detail needs to be corrected and the dimensions need to be shown

Andy – I am hearing there is not adequate detail showing how the sidewalk will be supported – Paul is saying it is not addressed in the drawings

Karyl – I am still grey and fuzzy on the 22 feet

Andy – they will make the guardrails narrower

Bill – the width of the culverts are already 25 feet and we have submitted data on that basis – we need to show Paul that we are not encroaching on the 22 feet

Paul – do you want to use wood for that beam – what size – you may have to back in with steel – there are no dimensions on there – that needs to get resolved – it could potentially effect the width – they need to detail how the pedestrian bridge will be cantilevered off the bridge

Chan – who set the 22 foot limit of the culvert

John – that was agreed to over time

Chan – wasn't that implied that you had to have 22 feet for the roadway width?

Bill- yes

Chan – I am trying to satisfy the point that Bob made that there are insufficient plans – where is the pedestrian bridge on

Andy – do you think on June 12 we can deal with this?

Karyl – getting back to the issue, do we recommend that it would not affect the flood plain – can they prove the new design for the pedestrian bridge

Andy – they are saying that the structural soundness is up for the building inspector

Bob – in the absence of any guidance from the Zoning bylaw on how to review, the gates are wide open

Bill - splitting hair here – I think there has to be something submitted that gives you some kind of comfort but more detail and consistent with what has been submitted so far – you want to see it is a reasonable design that it can work without having an impact on the flood plain – is that fair?

Andy – the issues that are governed by the building inspector – just highlight the section that pertains to the building code –

Bob – I will do my own review once I see the drawings

Karyl – in our minds, whatever level of comfort – you have to get pedestrians across there someone – if it works, and we deem it to be structurally sound, I don't see how the bridge would be a negative impact on the flood plain

Bill- the recommendation can be however qualified the board wants it to be in effect – there will be some assumptions made – how many are you willing to make- based on this design and this proposal, we don't believe it will have an impact but these are our questions and concerns

Chan – I am still trying to get a basic understanding of the basic design . . of this bridge . . . you can't tell where the pedestrian bridge is . . I agree the plans are not complete as Bob said.

Andy – Chan, what info do you need to give the board a recommendation

Chan – this system is not a very efficient method for doing what you want to do . . I think the VHB folks would have to have that info

Bill – they have that piece of it

Paul – we have reviewed that – the thing that is missing is that you haven't shown it is constructable – showing parts of this doesn't give the PB enough information –

Andy – you have done the math

Paul – we have reviewed

Chan – I think the concept will work, but the details aren't there to approve it . . – the waterway opening is a critical component of whether it is feasible

Andy – can we count on the fact that you will address this on June 12?

Paul – you need to detail the railing and the pedestrian bridge

Bob – convince me you can build it

Diane Maxwell – on page 7 on vhb letter – have they addressed something specific?

Paul – we have addressed the hydrology matter . . .

Bob – why was this even on the agenda? I haven't reviewed it

Chan – I think we need to have some sort of policy as to what we as members are going to review – or are we going to depend on VHB? The board needs to deal with Bob's concern

Andy- you are just sick of having your time wasted

Bob – absolutely . . without having a chance to look at drawings ahead of time – without having a chance to review - I don't intend to reengineer or reperform Paul's review, as far as I am concerned there is nothing wrong with another set of eyes taking a look at issues - Paul might miss something . . I am not expecting Paul to address everything – some of the finer or aesthetic details he is not going to focus on – I would expect VHB to address ADA issues.

Andy – as a policy matter, we should decide on very definitive time lines –

Karyl – it is an issue for the DRC too

Chan – I don't want to spend my time doing vhb's job – I feel it was proper for VHB to handle it this way – but if 2-3 board members aren't comfortable with that, we have to do what a majority wants to do – they didn't have a finished plan

John – I think bob likes to look at the plans – I don't – I am like you I count on VHB – I want them to address the issues the VHB has identified – plans are in a constant state of flux –

Paul – these are the comments on the plans they gave me this morning –

Karyl – right now, none of us has any of the details

Chan – the applicant has done a very poor job of processing what they want to do – that complicates my desire to streamline –

Andy – they are employing a design build process concurrent with their applications – they are designing as this application process is going – they are constantly temperature checking what vhb wants and what the PB wants – this bridge thing is at least one year ago . . .

Andy – before we put them on the agenda, we have an opportunity to make sure to have the plans in hand so we can review them ourselves

Jim Williamson – Barberry Homes

We got Susy's draft, I reviewed it with our attorney; she edited it and susy has reviewed her edits – it still isn't done – we are coming in for may 17th – we would like to address any issues

Done . . for now . . .

Reports -

Andy met with mark cerel on the warrant articles – what we have done is grouped them in like batches so we are discussing them together - . . .

Swenson Granite site plan

Gino – really close – remember they said they would do plantings between the detention basin and the street – they show only part – similarly the 10 foot landscaping buffer around the perimeter – they show only a few plantings in the front – no indication on the rest of it for the perimeter . . . the issue on the handicap parking spaces – they don't specifically say what they are going to do – I didn't see anything - they did provide a letter about inspecting the detention pond – nothing confirmed that it was cleaned but the report said it was cleaned –

Andy – it is disappointing to see that they haven't really addressed some of the issues from the original plan –

Gino to handle the issues such that he can bring it back for endorsement - with rick merrikin - . . .

Chan – BSCE is having a technical discussin of expedited permitting program – I will attend – ACEC had a discussion on the proposed community planning act and its impact on housing costs and they decided not to take any position because their clients are private developers – they are letting their business side take over their professional engineering perspectives

Andy – positive note – we received draft report on mill reuse and TND proposals

Gino – I spoke with john greene today, new owner – he wants to add some parking near Lincoln street and convert some tohosuing – he is very interested in this mill overlay district

Andy – should we do this as a 40R

Gino – we are alsolooking at this as a 40’’R – I need some info from him as to how much housing would go on this site – it would have to be 20 units an acre for multifamily for 40R – originally he weanted to add a new building to the back of the site – but when I talked to him this morning, he feels there is a third floor of the mill where he could put in some studios and one bedroom aparment s- set up something with him for Tuesday, May 15th –

John – some talk on 2B oak street to reopen an entrance to Main Street across from the Mill.

Motion to adjourn – karyl -= bob – 11:30 pm

Chan – medway rep to MAPC is open – appointed by the BOS –

Tuesday, July 10, 2007
Medway Planning Board Meeting - Sanford Hall

PRESENT: Bob Tucker, Karyl Spiller-Walsh Spiller-Walsh, John Schroeder, Andy Rodenhiser Rodenhiser, Chan Rogers, Eric Alexander

ALSO PRESENT: Paul Carter Carter, VHB; Gino Carlucci, PGC Associates; and Susy Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:05 p.m. at Sanford Hall

CITIZEN COMMENTS – None

Chan Rogers – I would like a status on the lawsuit with Daniels Village

Susy Affleck-Childs – I will be glad to provide you with copies of the lawsuit as filed

Andy Rodenhiser – We have been advised to not discuss this in public

Motion to move beyond this discussion - Karyl, John – yes . . .

Public Hearing Continuation – Betania II ARCPUD

Richard Coppa, Marian Community
Bill Proia, attorney
John Spink, Coneco Engineering

Eric Alexander – I want to apologize to the applicant – a little bit of miscommunication on my part re scheduling

Bill Proia– we would like to talk about the overall site plan, general discussion on the waiver list;

Andy Rodenhiser – has anything been submitted to VHB

Paul Carter – we have not received anything

Bill Proia – we met with ConCom and BOH and we wanted to address

Andy Rodenhiser – if VHB gets the info today then they need 3 weeks.

Bill Proia – we would try to set a reasonable next meeting date

Andy Rodenhiser – we did confer amongst ourselves that the engineers would work together to resolve concerns and comments on the drainage

Bill Proia – yes. . and nothing has yet been sent to Paul Carter

Bill Proia – site plan changes; waiver list; open space plan and how that has changed; construction sequencing and phasing; the ZBA recommendation letter – we filed with the ZBA I don't think we will make their July 18th hearing – just get that started

John Spink – the road layout hasn't changed for 4-5 months – components outside road layout have been moving around

The primary item that has moved is that the septic system previously had 3 fields. The analysis finals = the mounding process with the ledge is not practical – that is too difficult to overcome for the mounding calcs – we ended up going back to the drawing board looking at good soils – down at the southern end of the site, moving the septic field – regular title 5 field for 65 units – that has gone to the BOH, they have had it reviewed - it is a PRESBY system – we have gotten fairly close on working out details with BOH and VHB – that moved a couple of houses around – some movement – generally the same configuration

We did reconfigure the water supplies – they run behind the houses and not in the streets

Geo thermal –

We are now in pretty good shape for every piece of this – drainage has gone from detention ponds to large underground pipe storage – it works fairly well – we are still going back and forth with VHB on that review – I think I understand all VHB's comments – that is the overall where we are at now

I went to ConCom last Thursday – comments on the septic field near the river and the detention area – they also wanted us to look at the path again . . . I think we are pretty well there with everybody

We ended up getting considerable amount of walls in there – we have walls in the back – we have not gone thru and dug up the area yet – dug some infiltration pits – we may end up with few built walls and have natural ledge, if not, build walls out of rock that remains; at last resort, will use versalock

Chan Rogers – what is THAT?

John Schroeder – The PRESBY septic system – has it been approved by DEP?

Chan Rogers - are those functioning for entire development?

John Spink – one is a field and one is a reserve and they serve the whole subdivision

Chan Rogers – how can leeching fields and houses coexist in the same location?

John Spink – we moved the houses and relocated the leeching fields - new location is very sandy, all perc rate of less than one minute;

Chan Rogers – is there a holding tank?

John Spink – each individual house has a septic tank, some parts flow by gravity; some parts are pumped – pump chamber buried in the ground to be maintained by subdivision

Bob Ticker – single pump station?

John Spink – yes, I believe so

Chan Rogers – you said you had not submitted something to Paul Carter Carter, and then you talked about a meeting on the 18th

Bill Proia - I was referring to the possible date of the ZBA hearing on the flood plain special permit

Karyl Spiller-Walsh – what were the comments on the two fields from ConCom?

John Spink – they would like us to modify the location a bit – flip the reserve and the regular field so the reserve is closer to the riverfront area . . .

Karyl Spiller-Walsh – how will the 2 Presby systems present themselves? How will it merge with the current topography?

John Spink – slightly mounded, there is an existing topographic swale in the middle of the area

Karyl Spiller-Walsh – I did have a conversation with Bill Proia Fisher – BOH – he had nothing but praises to say for the design and the PRESBY system – great confidence in the efficacy of their proposal

Andy Rodenhiser – seems a lot less complicated

Karyl Spiller-Walsh – how different is it going to appear

Andy Rodenhiser – it sounds like you have eliminated some of the LID techniques

John Spink – yes, we

John Spink – the woods will actually come in closer to the houses, although we can't count that in the open space calcs

Andy Rodenhiser – the wells for the other units close to the septic system?

John Spink – showed well locations . . . they meet the DEP standards and requirements

John Spink – ConCom wanted to change path location to the middle of the site -

John Spink – we are going to send out Rich and talk with Jim Wieler on the path/trail and get a recommendation to you from him

Chan Rogers – path?

John Spink – we are giving the town the connectivity to Wenakeening woods

John Spink – that change that ConCom wants would require us to make a very winding path

Bill Proia – it doesn't seem like it is a wetlands issue . . . just a preference

Bill Proia - we will talk to Jim re: materials, etc.

Andy Rodenhiser – Do you want to talk about phasing??

Bill Proia – Open Space Devotional area . . . it is not going to happen – it is not anything special designated – blended into arcpcud space

Phasing . . . Phase I build a road up to a certain point at the north end of the and have it operate as a two way street – about 46 units along that stretch – 16' width on what will ultimately

We talked to Officer Watson and he sent a note to the PB

Karyl Spiller-Walsh – I don't see any trouble with that – seems practical as long as there is a time frame

Andy Rodenhiser – there would have to be a bond put in place for the remaining portion

Bill Proia – the performance guarantee would be in place anyway – always in place

Karyl Spiller-Walsh – has there been a final width on the bridge

Bill Proia – 22 feet curb to curb – guard rail does not infringe

Bob Tucker – on the two way use of the 16' paved area – mirror to mirror on my pick up truck is 8' – that may be too tight with construction traffic – I would suggest some pull off areas for trucks – how is it going to work practically

John Spink – they will drive on the grass

Chan Rogers – I move the PB require that they have at least two pull outs along the 850 foot area – seconded by Karyl Spiller-Walsh

Paul Carter – please show these pull outs on your phasing plan

Bob Tucker – don't feel you have to limit yourself to two pull outs

Chan Rogers – are any units going to be occupied before the road is completed to make the loop?

Bill Proia – yes

Chan Rogers – they should be more positive in solving this problem

Bill Proia – if the concept

Chan Rogers – I will withdraw the motion - agreed

Rich Coppa – we will come up with something –

Susy Affleck-Childs– please have the phasing plan include both a drawing and text

Paul Carter – why wait to do the entire loop?

Rich Coppa – economic issue –

Eric Alexander – the modular construction for the houses has brought something to mind – do you have a staging area on site to take delivery?

Rich Coppa – yes, down near the existing parking

Chan Rogers – I make a motion plan and text for a phasing plan that includes parking and one way operations and other incidentals –

Bob Tucker – does that need to be a motion?

Rich Coppa – it makes a lot of sense

Paul Carter – so, essentially two major phases – you will complete the drainage for each phase?

John Spink – yes

Paul Carter – same with sewer and other utilities

John Spink – yes

Bill Proia – it benefits us to have a phasing plan – part of our discussions with our lender

Andy Rodenhiser – I would like to see some sort of cross section – you said some are built into the hills, and some cut into the ledge – can you give us a typical detail?

John Spink – first stage – if there is existing rock face we will use that; second, if rock face can't work, we will use fieldstone from the site - no walls are higher than 40"; then versa lock as the third choice

Chan Rogers – you should show some cross sections randomly – in several situations that have different profiles

John Spink – there are about 4 different profiles

Karyl Spiller-Walsh – do they act as retaining walls?

John Spink – yes. .

Paul Carter – if you are doing a ledge cut, you would do a ledge face – you are leaving a lot of things unknown

John Spink – you see a full wall in the design - the whole thing is designed to use versa lock

Paul Carter – you need to define where you will

Karyl Spiller-Walsh – what is the highest anticipated?

John Spink – 12 feet

John Schroeder – didn't you say there was as much as 40 foot difference?

Paul Carter - it would be helpful for the board to have cross sections

Andy Rodenhiser – include the paths in the cross section

Karyl Spiller-Walsh – Paul Carter has checked the plans and it shows 15 feet

John Spink – they would be 3 four foot walls – with landscaping in between

Karyl Spiller-Walsh – couldn't the ledge be incorporated?

John Spink – that is why I said we will use ledge to begin with . . . it appears that 60% of the walls will be able to be just ledge face . . .

Karyl Spiller-Walsh – is rock face unstable?

John Spink – you go to it until it is stable. .

Karyl Spiller-Walsh – think of it as a positive, not as a problem . . .

Paul Carter – are the walls in cut or fill sections?

John Spink – cut sections is where there will be walls

Andy Rodenhiser – what is span from edge of cut to edge of fill?

John Spink – 300 – 350 feet

John Spink – finished grade will have a 4 foot difference on houses between

Karyl Spiller-Walsh – in your estimation at this point, on the fill side (eastern side) – how much of that will be wall?

John Spink – very little; we are doing walk out basements there

Karyl Spiller-Walsh – how high could the wall go on the cut side?

John Spink – 18 feet

Chan Rogers – random set of circumstances

Andy Rodenhiser – we need to see these cross sections

Paul Carter – do them to scale and show them on the grading plan

Karyl Spiller-Walsh – I need to give you a heads up on versa lock – I cringe at the thought

Bill Proia – waiver list is about 12-15 items now – similar in number and type from other ARCPUD projects

John Spink – I have one question on one of the waivers – the general stormwater design requirements?

Paul Carter – catch basin to catch basin approach defeats the purpose of the catch basin

John Spink – that is correct . . . but we will have a vortex unit in between – that provides the basic suspended solids required by DEP . . . is that some waiver you would be receptive to?

Paul Carter – typically, catch basin to manhole or maybe it could be one catch basin to another catch basin

John – I think that is a good solution – no more than two catch basins in a row with the first structure being a catch basin -

Bob Tucker – as long as there is an ability to remove the solids – I don't mind going outside the box – let's be creative here

Paul Carter – the other aspect is the spacing for cleanout purposes

Andy Rodenhiser – the 80% clarity

John Spink – that is DEP standard – we will submit those calcs

John Spink – because of the 16 foot road, putting three structures is very tight

Andy Rodenhiser – do you have enough direction?

Karyl Spiller-Walsh – at that time, I want to discuss open space and mitigation and particularly as such relate to lot #3 – especially if we are going to have a waiver discussion . . . all encompassing conversation - we need to become construction and come up with

Continue public hearing to August 21 at 8 pm – motion to continue – Karyl, seconded by John – all yes . . .

Paul Carter – you will submit so we have at least 3 weeks for review – I will be out the week of July 23

Nancy Maxwell (Diane Drive) - Can you point out where the old stone ruin is?

Vernal pools? Are you going to fill in there?

John Spink – not within 100 feet of them . . . anything to the right/east of the existing north/south pathway is not being built upon

NOTE - Karyl Spiller-Walsh distributed a map that depicts the town of Medway property, the marguerite property around the Marian site

Board Agreed to change PB meetings to August 7 and 21 instead of August 14 and 28th

Bob Potheau – 2-4 Main Street site plan

Bob Potheau – I am here for a site plan extension – January 11, 2005 Certificate of Approval from the BOS –

Bob Potheau– doing the phase in front of the large building – parking lot, - not changing any of the plans you approved

Bob Tucker – June 1, 2008 – everything would be completed? Make this a date that you can really live with. . Make it achievable

Henry Marcel – we will do paving – and go to DRC for façade renovation plans -

Bob Tucker – do you really need

Henry Marcel – we can make it September 1 instead

Bob Potheau – I will come back with a new site plan for the middle building – grenade concept

Bob Potheau - parking lot paving may be the only issue

SAC NOTE – This discussion pertains to the most westerly building on the site.

Bob Potheau - Let's go with September 21, 2008. I will remember that date.

Andy Rodenhiser – we ran into some difficulties with the first phase – we did not have any of our own inspectors involved –

Susy Affleck-Childs read from the Certificate of Approval which specifies that the Town can require inspections

Bob Potheau – I am the one taking the risk if the project does not conform

Andy Rodenhiser – I think someone should be looking at the drainage structures and how they are being put in

Bob Potheau – I have a licensed builder who is there everyday, he has his license, I am not doing anything that does not conform to the plans – if somebody questions, I would be glad to look into anything – the site is open 24 hours a day – the building inspector is out there –

Andy Rodenhiser – our area of concern does not have anything to do with the building inspector – I want to make sure that we don't come to a point

Karyl Spiller-Walsh – there was a complication as I recall it from the first phase – the difficulty in the site elements in that it was a phasing process from east to west – it was hard to follow . . .

Andy Rodenhiser – MetroWest auto component of this project – concerns about some issues during construction of the drainage. .

Bob Potheau – the real complication was from ConCom in terms of final inspection

Andy Rodenhiser – at some point we are going to be asked to sign off on this.

Henry Marcel – would you be happy if you had your inspectors out there?

Bob Potheau – perhaps if we could have someone from the planning board take a look and decide whether an inspector is needed – but I am trying to cut some expenses here

Bob Tucker – is your engineer doing inspections?

Bob Potheau – yes . . . I want to keep this simple . . . when we built the MetroWest side, it was all done according to plan and Merrikin inspected it. The new phase is more involved . . . manhole, overflow, drainage field, - we need to have the right pipes and the right materials in place – we will have Merrikin come out to do inspections

Andy Rodenhiser – and do a bottom inspection

Motion – Chan Rogers – to have engineer's inspection reports provided to the PB – seconded by Bob Tucker – all yes

Move to extend site plan approval to September 21, 2008 – all yes

Bob Potheau – hopefully, we will get a building permit tomorrow . . . your secretary knows our situation.

8:50 p.m. – short break . . .

Discussion re: Morgan Heights – project completion/plan revision

John Ryder, Morgan Heights developer
Paul Carter DeSimone – Colonial Engineering

Paul Carter – Here is the easement plan you asked for. It will be recorded

Paul Carter – John submitted a revised as-built plan last week which I have reviewed and have a letter for you dated July 9th – basically they have addressed the comments – the driveway easement plan – the driveway for lot 3 is on lot 4 – they have prepared an easement plan – some inconsistencies between easement plan and design plan - Sewer system has been accepted by the water/sewer department.

Paul Carter – I did an inspection last Friday of the cul techs for lot 3 and lot 4 – I did observe that it was done satisfactorily

Susy Affleck-Childs – there is an actual application we need you to do – plan revision – and a \$250 fee

Conditions for plan revision – record the plan, finalize the application materials/fee to turn into Susy Affleck-Childs

NOTE - Susy Affleck-Childs will prepare a plan revision document to file with the original subdivision certificate of approval

Chan Rogers – I move approval now of the plan revision – seconded by bob/john – OK

Susy Affleck-Childs – The next step is to figure out bond release and release on lot #4 from the special agreement - do that on July 24th . . .

Susy Affleck-Childs to work with John Ryder and Steve Kenney to finalize certificate of compliance on roadway completion

Paul Carter leaves at 9:10 pm

NOTE - Paul Carter will not be at the July 24th meeting

Discussion of PB Goals

John Schroeder – priorities don't change - increase tax revenue from non-residential sources; preserve natural resources and character of town of Medway; affordable housing

Goal – bottle cap lots project; industrial zone 3; new industrial 6 between 2 & 3 on west side of Medway; connections to Bellingham area; amend zoning bylaw for mixed use per ARC of innovation plan – also – C1 and C2 – also traditional neighborhood development overlay – affordable housing fund for payments in lieu; chicken brook corridor – is there a real overall plan for land acquisition? – Winthrop street -

Karyl Spiller-Walsh – let's not have that area (Winthrop street/corridor/trail system) be the only focus of our discussion on land acquisition.

John Schroeder – I think it would be good for the PB to provide some guidance to CPC on land acquisition – just layout a map and show the parcels and why . . .

John Schroeder – publish the design review handbook

Chan Rogers – I think the board should have a relationship with the CPC and the CONCOM to give them our guidance . . . I don't think the PB should be doing this

John Schroeder – I think a land acquisition plan should come from the PB

Bob Tucker – as the PB, we could provide some overall guidance

John Schroeder – we have so much paper with our projects – we also need to look at automation

Karyl Spiller-Walsh – desperate need for meeting space with good technology – small kitchen, restrooms – suggest to demolish the 2B Oak Street properties and build something new there.

John Schroeder – there will really be some resistance from the CPC to any proposal to demolish 2B Oak Street

Chan Rogers – Goals . . . bottle cap lots; working with Bellingham to work on the border property;

Andy Rodenhiser – agree that the west side of Medway is our priority area for economic development

Chan Rogers – Summer Street/126 south of Milford Street . . . for commercial purposes

NEXT STEPS on BOTTLE CAP LOTS - some additional discussion, meetings with neighbors, We have new town counsel and new BOS – let's get BOS approval to go to Town Counsel to figure out how to knit the properties together

ANDY RODENHISER - IDEA – Draft Rules and Regs subject to approval of the zoning bylaw. That way they will be ready to go

Gino Carlucci – have regs in a draft form before the town meeting vote.

Bob Tucker – good approach when we met with neighbors at 109/126 – get grass roots involvement early on so by the time we go to town meeting, we have community support

Chan Rogers – I think the PB will have to take the lead and have informal public hearings on the whole idea

Andy Rodenhiser – I think there may be a different taking process for properties of “limited use”

Bob Tucker – I don’t want us to get so mired in the how tos

Andy Rodenhiser – people need to understand how it will be done – how will they be paid? The less mysterious this seems, the better, the specter of 2B Oak Street is still in everybody’s mind

Karyl Spiller-Walsh – we need to give this a NAME – instead of the bottle cap lots . . .

Gino Carlucci – Gateway Village???

Chan Rogers – Andy Rodenhiser should go to BOS and get OK for Town Counsel to work on this – lay out the steps for land acquisition . . .

John Schroeder – let’s start advertising/promoting what we are doing. . the \$3 million grant – how terrific.

Chan Rogers – if we could deal with all this electronically . . .

Karyl Spiller-Walsh – why do we need the stenography of notes??? Converting to Susy Affleck-Childs’s notes to formal minutes takes a lot of time . . .

Andy Rodenhiser – Susy Affleck-Childs . . . what ideas/goals do you?

Susy Affleck-Childs – Can I beg off for tonight . . . and get back to you with my ideas

OTHER BUSINESS

1. GINO CARLUCCI – Bellingham/Medway project – ideas on an overall scope of work – I sent it off to MAPC – Mark Racicot will review it with MAPC Director Mark Draisen for their Technical Assistance program – Stacey in Bellingham reviewed proposal and wants more effort on traffic issues –

Gino distributed copies of the FY07 Smart Growth Grant report – with the analysis and drafts of mill overlay district and traditional neighborhood design overlay district zoning bylaw proposals

Andy Rodenhiser – what do you need from us?

Gino Carlucci – nothing until we want to propose the mill draft for town meeting consideration – I would suggest that we do this by amending the AUOD bylaw . . .

Andy Rodenhiser – could you please do that? There may be a special town meeting in October/November -

Gino Carlucci – yes . . .

Chan Rogers – We should give a copy of the report to every town board – also make copies for all DRC members – BOS, Water/Sewer – let's distribute color copies

Andy Rodenhiser – I will get on BOS agenda to discuss bottle cap lots and also hand deliver copies of the Smart Growth Grant report to them

Gino Carlucci – I will do 10 more color copies of the report

2. Chan Rogers – Re Route 126/109 traffic signal – I made a complaint at the SWAP meeting that went to MAPC and then to Mass Highway – to change the design of the traffic signals for the intersection – design change in process – Dave needs to come up with \$13,000 to fund the design change – Mass Highway has agreed to the change.

Andy Rodenhiser – I think Dave needs info on future growth to help him

Chan Rogers – Senior center shell is done – the landscaping and inside work is still to be done – I have advised them to not count on the Daniels Village ARCPUD mitigation money (because of the lawsuit)

Chan Rogers – I am now serving on MAPC's Regional Transportation Advisory Committee and now I am also serving on the Storrow Drive

3. Meet with IDC – Susy Affleck-Childs to talk to Bill Proia Wright about a special work session with IDC for 7-31

Invoices

CO - \$111 for Petrini and Associates for CV Estates – Bob, John – all yes

CO - \$2,446 to VHB for CV Estates and Morgan Heights– Karyl, John – all yes

CO - \$7,002.52 to VHB for Pine Meadow II – Karyl, Chan Rogers – all yes

PGC Associates - \$56.25 – for Hoag ANR – John, Karyl Spiller-Walsh – all yes

\$700 – For our share of new copy machine for the first floor – Office Equipment – Karyl, Chan Rogers – all yes . . .

PGC for Contracted Services - \$6500 for Smart Growth grant – Karyl, John – all yes – to be reimbursed 85% by the State

Minutes of July 10, 2007 Medway Planning Board Meeting
Approved – July 24, 2007

PGC for Consulting Services – Bellingham/Medway project; etc. – Karyl, Chan Rogers -
\$262.50- all yes

PGC for 43D program – \$3,625.00 – Karyl, John – all yes . . .

Motion to adjourn – Bob, Chan Rogers – all yes

10:25 pm DONE

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

**Medway Planning Board Meeting
Tuesday, July 24, 2007
Sanford Hall**

PRESENT: Andy Rodenhiser, John Schroeder, Chan Rogers

ABSENT WITH NOTICE: Karyl Spiller-Walsh, Bob Tucker

ALSO PRESENT: Gino Carlucci, PGC Associates; Susy Affleck-Childs, Planning Board Assistant

Meeting called to order at 7:05 p.m.

CITIZEN COMMENTS – None

Public Hearing - Design Review Guidelines

Susy Affleck-Childs – Dan Hooper and Gary Jacob need a little more time to complete the suggested edits.

Motion by Chan Rogers, seconded by John Schroeder to continue the public hearing to September 25, 2007 at 7:05 p.m. All yes.

Other Business

Cost estimate for Plan Review services by PGC Associates for 51 Alder Street site plan modification. Motion by John Schroeder, seconded by Chan Rogers to approve the PGC estimate of \$675. All yes.

Gino Carlucci – It is probably an over estimate because I won't be at the meeting on August 7th when I will be on vacation.

Andy Rodenhiser – I noticed the emails that have been going on back and forth re: potential vendors for the permit tracking system. Gino, will you be discussing these options with other departments?

Gino Carlucci – There is a DRCC mtg on 7-30-07 at 5 pm. It will be discussed then. No demonstrations of software that night, but we will invite in demos later.

Andy Rodenhiser – Are we OK on time & budget?

Gino Carlucci – Yes.

Gino Carlucci – If we use one of the vendors already approved by the state, we won't have to go out to bid.

BILLS

\$5,047.66 – Construction Observation services by VHB, to be paid out of applicant funds for Pine Ridge and Country View. Motion by Chan Rogers, seconded by John Schroeder to approve. All yes.

\$5,332.10 – Plan Review services by VHB to be paid out of applicant funds for Charles River OSRD, Senior Center site plan, Betania II/Marian ARCPUD. Motion by John Schroeder, seconded by Chan Rogers to approve. All yes.

CHAN ROGERS – I am making an observation. Our actions (thru site plan review) caused the town to have to pay money for something (VHB review) that was not really necessary

Andy Rodenhiser – I would disagree with you that it was not necessary.

ANR Plan for 24 Main Street

NOTE – Neither the applicant or a representative attended.

Morgan Heights Subdivision – Project completion

Motion to reduce the bond by \$2,651.73 (to keep to pay for VHB services) and refund the balance to John Ryder – Chan Rogers, seconded by John Schroeder. All yes.

Execute the certificate of compliance for completion of private roadway – Motion by Chan Rogers, seconded by John Schroeder. All yes

OTHER BUSINESS

ANDY RODENHISER – Gino, where do we stand with the joint application with Bellingham for the MAPC technical assistance program?

Gino Carlucci – I spoke with Mark Racicot at MAPC. He still has to speak with MAPC director Mark Draisen about the proposed joint project – I feel very positive about it because they are looking for joint projects –

Andy Rodenhiser – is there an approval board or just a guy in the office?

Gino Carlucci – guy in the office – it is Mark Draisen – I heard that Mark Draisen had said that he felt MAPC could handle most of the projects that had applied for their technical assistance program – being a two town project,

CHAN ROGERS – it was favorably received at SWAP when it was discussed

Andy Rodenhiser – We have received document from MAPC looking for some key information about the Town – what is the impact of us not responding by the deadline – we didn't have the resources at the time with Susy being out – Gino, could you complete?

Gino Carlucci – not a problem

Andy Rodenhiser – status of route 109/126 intersection?

CHAN ROGERS – Mass Highway will correct the defects and redesign - how far they will go to is uncertain right now

Andy Rodenhiser – will there be a left hand turning lane?

CHAN ROGERS – they are going to widen the intersection to remove the obstructions particularly at Restaurant 45 and at the police station – they will add stripes to have a storage lane for left turns, thru traffic and right turn lane

Andy Rodenhiser – good news

ANDY RODENHISER – any committee reports?

CHAN ROGERS – I have one more for intersection of route 109 and Franklin – I spoke with the county's traffic engineer - he is meeting with state traffic engineer tomorrow – he should have an answer/results by Thursday - I will call him - give eastbound 109 thru traffic priority at that intersection instead of the traffic going straight thru on Franklin Street

Minutes – July 10, 2007– motion by John, Chan to approve. All yes.

CHAN ROGERS – If we approve the first time, it is done

John Schroeder – the discussion we had last time was about the format of the minutes – more direct format –

Andy Rodenhiser – put a generic note – standard nomenclature on front that board chose to have simplified minutes.

ANR Plan for 24 Main Street

CHAN ROGERS – can I go back to 24 Pond Street ANR??

Andy Rodenhiser – they were supposed to be here at 7:15 p.m.

NOTE – Andy handed out a memo from Gino Carlucci with corrections requested

Susy Affleck-Childs - we should probably deny so that it is not approved by default with the 21 day required window

CHAN ROGERS – move reject ANR for reasons stated in Gino Carlucci's letter, let applicant be aware of the reason – seconded by John – all yes

OTHER BUSINESS

Susy Affleck-Childs – You have a very nice summary of land use court cases prepared by Town Counsel

ANDY RODENHISER – Here is a publication I started to get – all kinds of different projects and things in it – a lot of what is happening in developments around Massachusetts – condominiums – articles on smart growth and 40R – starting to filter out to the developers – we are going to start seeing more and more of that – cost savings associated with multiple housing vs. detached single family homes . . . affordability matters.

Informal Discussion – Possible rezoning on Main Street/Route 109

Bob Rojee, owner 29 Main Street
Gary Bersette, with REMAX
Jim Sia – adjacent property owner

Bob Rojee – we are good friends

Andy Rodenhiser – who owns abutting property?

Bob Rojee – Julia Sia

Gary Bersette – Jim, the son of Mrs. Sia plans to attend tonight – he too is receptive to a possible change in the zoning -

John Schroeder – he owns the parcel to the east?

Bob Rojee – the one to the west of me is Mrs. Newton – 14 acres and then Mrs. Boczanowski has about 50 acres - I have not talked with either one of them . . . we are here for guidance –

Andy Rodenhiser – I think it is a good idea to get as many people involved – take a temperature as to what the mood is

Bob Rojee – neighbors want to know if it be advantageous to them to change the zoning and have a mixed zone – asset or detriment to me?? PB needs to come in a say you can do this, but not that – what would be an asset to the community

Andy Rodenhiser – our role is to enable or put changes before the town meeting – and then put in place rules and regs . . .

Susy Affleck-Childs – what do you mean by mixed?

Bob Rojee – industrial park is within ¼ mile – another ½ mile up the street is the plaza – main street has to be an asset to the town to bring in business – well traveled – since I moved there in

1994, the traffic has moved quite substantially – I would like to see mixed zoning to allow somebody to sell either residential or commercial – a business/commercial would be beneficial to the town – roughly 75 acres – don't want to 38-40 houses that would put stress on the town –

CHAN ROGERS – I think we all agree totally with that basic premise – the shape and location of your property, to ask for it to be changed without relation to other adjacent parcels would essentially be spot zoning – wouldn't be approved by AG – need to get abutters involved so it is a larger area to be considered – you cannot do spot zoning – AG would probably reject it if it is a single lot

Bob Schroeder – how do we approach the town and get support of the town?

Andy Rodenhiser – you have done the first step - he has asked from the new shopping plaza east to the Millis town line – talk to the neighbors – you don't necessarily have to have the zoning perfectly match the lot/parcel lines - Gino Carlucci, at first blush . . . What do you think of this?

Gino Carlucci – for starters, the traditional neighborhood development project, if that were to go forward with the rezoning – as it is currently drafted, it would be eligible for that – that is a start right there

Bob Rojee – what is that??

Gino Carlucci – TND allows denser housing with mixed uses – heavily design dependent – like the old time neighborhoods with stores nearby, front porches, lots of walking – this could very well fall – special permit option – overlay district – underlying zoning could stay intact. As a general rule, I don't think it is good to have different zones on opposite sides of the street - but

Gary Bersette – from Millis line up to Bob's land there are some sizeable parcels –

Andy Rodenhiser – how much is wet?

Bob Rojee – I have 3.5 acres and about 1/25 is wet

Jim Sia – my mom owns two parcels – one is 7 acres and the other one is a few acres –

Bob Rojee – all of Brentwood drains onto my property and onto Mrs. Newton's - there is no drainage east of the shopping plaza – 24 inch pipe from Brentwood out from Lee Lane – not natural wetlands, but drainage . . .

Jim Sia – is there some minimum amount of frontage or acreage that you require to consider converting – 25 acres or 1000 feet of frontage

Andy Rodenhiser – more than one

CHAN ROGERS – several especially considering the shape of your parcel. The move to do this has to come from a larger number of people – PB is interested in making some changes for all the same reasons you noted – it has to have a broader base to push this

Bob Rojee – we agree

Jim Sia – would 3 parcels be enough?

Bob Rojee – 15-16 acres

Gary Bersette – if you are looking for the land in there to be mixed – some makes sense to remain residential (Brentwood) – but the parcel we are looking at plus the one presently for sale plus the SIA properties and bob's property –

Andy Rodenhiser – I think was is difficult when you have a residential then commercial, then residential and then commercial

CHAN ROGERS – I don't know that we as a PB could come up right now with some meaningful discussion -0 you might be able to bring together a group of people with contiguous – you need something that is sizeable – several lots with significant acreage and frontage

John Schroeder – I like to look at the zoning map as logical blocks – from Oakland street to the commercial VI district – seems like there are about 5 owners – logically, get all 5 owners together to put forth some kind of proposal –

Andy Rodenhiser – knit together

Bob Rojee – could also include the Cassidy property – there is the existing apartment building in there -

John Schroeder – this would be very difficult with 300 land owners – seems like there are 5-6-7

Bob Rojee – 8 to 10 people

Andy Rodenhiser – if there is a group of people interested in doing something –

Gary Bersette – look at bob's property – say he approached from his property east to the Millis line on both sides of the street?

Andy Rodenhiser – always difficult to where we draw the line - tries to keep the uses on one side of the street congruent with what is one the other side

John Schroeder – TND overlay – would give commercial potential

Gino Carlucci – yes, Brentwood was brought out as an example of higher density neighborhood with smaller lots – TND does provide for commercial as part of it - combine with adjacent properties – we have a draft already developed – requires a minimum of 10 acres – hasn't been passed yet –

Andy Rodenhiser – we have done the work to make it a bylaw - shooting to put it on the next town meeting warrant

Susy Affleck-Childs – info packet on TND and our sample bylaw

Gary Bersette – Bob and Jim can talk – and Bob can talk to his neighbors –

Susy Affleck-Childs – needs a larger area to be assembled – need some mass for a developer to be interested

CHAN ROGERS – PB has some other priorities that are closer to coming to fruition than yours

Andy Rodenhiser – market will drive it but you can try to create demand but that can be risky – we want to create opportunities – doing more planning instead of reacting constantly – we look at the town as a whole and try to do what the town wants – must look to the neighbors across the street – do things that would benefit the neighborhood with parks, better traffic signals

Gino Carlucci – in all of the commercial zones right now, it is 100 feet of frontage – that is not what it might be in a TND

John Schroeder – TND is a type of zoning that the state is supporting – clusters, walking – more environmentally friendly

Andy Rodenhiser – preserves the ability for the ground to absorb water and not just pave over

Susy Affleck-Childs– Gino Carlucci, any other types of zoning options other than the TND overlay

CHAN ROGERS – office space vs. retail

Andy Rodenhiser – IDC keeps saying there is no market for office space –

CHAN ROGERS – I think there is a demand for office type vs. pure commercial or industrial

Gino Carlucci – I think the IDC's perspective is that there is not a demand for major office space

Gino Carlucci – if we want to push the redevelopment between Holliston and Pond Street, you run the risk of diluting the potential for that change by creating other areas like this area

Gino Carlucci – eligibility for TND is ½ mile from a commercial area – as drafted now

Andy Rodenhiser – also potential for work force housing

John Schroeder – good connections of this site with town center,

CHAN ROGERS – PB has its own agenda. . We can't just shift gears over to this – let him shuffle the deck . . .

Susy Affleck-Childs – if they get the neighbors, would any of you want to attend a meeting to listen to what they have to say?

Andy Rodenhiser – pass along – contact from arc of innovation project – Ron roux’s consultant (SECORE) from Framingham that did location and retail consulting –

Susy Affleck-Childs – maybe we can give them several names of this type of firm –

Discussion - Agenda for 7/31/07 joint meeting with IDC

Andy Rodenhiser - Update them on where we are with things

CHAN ROGERS – how can we help them and each other?

Andy Rodenhiser – next steps for zoning initiatives relative to what might come out of the MAPC study

How we can jointly work on the bottle cap lots to make sure that we are being symbiotic –

CHAN ROGERS – don’t we need to have a session with town counsel to strategize?

Andy Rodenhiser – yes . . . we could get ideas

Susy Affleck-Childs – draft report from UMASS project came in today from Adam at the Metro West 495 Partnership

TO DO - check on whether we have their actual presentations from the final workshop . . .

Note – make at least one copy of the report for IDC – and email

CHAN ROGERS - SWAP meeting – Transfer of Development Rights – discussed

Gino Carlucci – think of it as an OSRD for non-contiguous parcels – it can be transferred from residential to commercial – save infrastructure costs – designate a receiving area for TDR – can buy development rights

CHAN ROGERS – motion to adjourn – seconded by john

DONE - 8:48 pm

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

**Medway Planning Board Meeting
Tuesday, July 31, 2007**

NOTE – This is a joint Planning Board and IDC meeting

Planning Board Members Present: Andy Rodenhiser, John Schroeder, Bob Tucker, Chan Rogers

IDC Members Present: Bill Wright, Dave Harrington, Kelli Ployer, Rick Kaplan,

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant
Gino Carlucci, Planning Consultant
Andy Espinosa, Board of Selectmen
Glenn Trindade, Board of Selectmen
Kevin Wittman, Inframation Networks

Development Review Handbook

NOTE – Andy distributed the draft handbook.

Andy - We want to jazz it up with some photos and pictures and make it more interesting – get it published and pretty it up over time - include letters from IDC, Medway Business Council and BOS

Dave – bottom of page 4 – change to multi family

Karyl – more emphasis in the PB section on special permits. This needs more meat . . .

Chan – less emphasis on scenic road stuff

Susy – how to distribute, make use of this document

Andy – would you use this?

Dave – yes, I would use this

Karyl – this has a dryness – boring – it needs to be more of a promotional piece – have pictures, graphics

Andy – could we give it to the DRC to pretty up?

Susy – I would suggest we allocate some money and have Gino hire a graphic artist to help punch this up

Rick – is it worth it to spend money on this?

SEWER PROJECT UPDATE

Bill Wright - Timing issue is a concern – we need to get a better clarification from the state on the criticalness of the timing – the funding is tied to job creation – there are time constraints that have to be met – we will get that buttoned down tomorrow

Chan – does the grant have a time window?

Bill – yes, it has changed – but I was told that the jobs have to be created within 2 years of accepting the grant – so our strategy is to delay accepting the grant until we really need the money

Andy – would bond counsel approve our using this money on the back side?

Bill – we should be using the town's money last and the state money first

Karyl – how many jobs

Bill – 120

Andy – I cannot imagine Cybex will want to start construction until the pipe is in

Chan – you will probably need an engineer full time for the next 3 months to make the time frame work – I think it is good for the BOS to put something in place to expedite getting the sewer in the ground – it could be in the ground in a year if all the right decisions are made

Bill – based on what engineer Tate and Howard said, pursuing the pump station requirement would be a wise option – we need to learn what the ramifications are to change the plan

Andy E – what are the hot spots in the projects – lets work out a game plan for tackling those issues

Andy R – is there a mechanism for us to allow pumping stations by way of a special permit?

Gino – you could certainly allow them in certain zones by special permit – but as a general policy – who would be the granting authority – BOS? May be possible . . .

Bill – it may not be a bylaw at all

Chan – I think it is a policy of the water/sewer – I don't think this is a bylaw – it could be changed

Bill – we need to learn what the ramifications are of changing

Andy – I think of the Marian community and what they had to do when they couldn't connect

Bill – the governor was at CYBEX yesterday – this has been targeted as a showcase for the MORE grant program – good publicity from this . . .

Chan – I think you can have a sewer in the ground in a year – incentives to do – everyone of these decisions can be done

Karyl – maybe that is a question –

Kevin O'Connor – legal counsel to IDC – I will be researching this issue -

Expedited Permitting Project – Gino Carlucci

Gino - The two things are going on concurrently right now – evaluate rules and regs to see if they can be coordinated and Kevin Wittman is evaluating permit tracking software – look to provide a web based permit application process

Kevin – we are looking at about 30 vendors to supply the right solution – we are weeding out the ones that are too big, too expensive, or don't integrate well with the existing in house system some departments have - we are soliciting comments – problems with current systems – or things that you would like to include in new system

Gino – since the PB since it is a permit granting board, and perhaps the IDC, and those of you that represent developers – might have some ideas –

Kevin – what have you seen in other towns?

Andy E – in the meeting you had yesterday on this, one of the more critical pieces was missing – ConCom wasn't able to attend. The BOS met with ConCom last night – they are a critical piece in the development review process

Andy – Kevin and myself and Gino will go to a ConCom meeting – I will get an appointment with them

Karyl – we need them to expedite everything – they are key to zooming things through

Andy – we are trying to expedite – meet more often . . . what are you hearing in the community? Do you think we are being more aggressive? What do you hear from developers?

Kellie – I have no data points on that to comment

Dave Harrington – there is so much for sale or lease in surrounding towns – everyone I have talked to, the permitting process has not been an issue yet – but these folks are 2 years away - I have been with 3 different groups in town – we lost a French company to Swiftwater, Pennsylvania – tax credit and free land . . .

Kellie – Forge Park in Franklin sold for 68 million –

Karyl – we are a baby Wellesley – how can you compete with east Wahoo, PA

Kellie – what is the time frame?

Gino – 4 months

Dave – when we get a grant for something – does town get money and put it in the bank?

Gino – no, usually it is a reimbursement type program

Kellie – what towns are you trying to emulate with expedited permitting? Newton?

Andy – they don't exist and we hope to become an example for how to streamline

Andy – our grant application was photocopied and distributed to other towns that were told by the state board that this is what the towns should be doing

Rick Kaplan – what can it be used for?

Andy – hardware and software

Gino – there are towns that have permitting tracking software but nothing quite like what we are envisioning. .

Andy - tie to map and parcels

Kevin – tie into zoning and GIS – makes it easier, faster – boards will be talking to various

Kellie – somebody could make a request,

Andy E – we are even thinking of on-line payments for application fees

Bob – credit card, bank transfer, paypal

Andy – good work Gino . . .

Bob – what is the schedule for the project?

Gino – 4 months window

UMASS Student Project on bottle cap lots – Oak Grove

Andy – I have given Bill a copy of the draft report . . .

Andy – as a group, what we should do is just to meet on that topic – what do we want to see there – look at some of the power points of the student presentations- see what the potential is for up there – students created a gateway idea for route 109 - Clark street down toward west street - shops, mixed use – retail and apartments – along trotter as it goes in, opposite Cybex – parking behind the retail – and a hotel and conference center opposite Cybex and then an epicenter out of housing to stretch out – single family, to multi family, to a mid rise 200 units – area for “workforce” housing for the industrial park and retail areas – almost create a little village type area – sewer is going to make it possible – it could also be a place for a possible transportation

link to tie into the GATRA shuttle bus project – a lot of potential – students did an incredible job – tons of data to support their recommendations

NOTE – Send electronic version of the UMASS report to Bill Wright and Andy Espinosa

Andy – pretty much everybody along route 109 except the doggie groomer is interested – Williamson who is the biggest owner, he came and saw the presentation – Karen Johnson from Charter Realty said they would be interested

Chan – the power point presentation is excellent

Andy – the students have done an outstanding job on this – there are a couple of different streetscapes – I think it represents what can happen – this is a concept – basis for developing a design document – letter to developers to solicit interest – want to put this into an eminent domain – we are meeting with town counsel on august 21 to frame what this would look like – what can people expect – we don't want a 2B Oak Street situation again

Chan – critical path for the BOS to authorize Town Counsel to participate –

Andy – I have been talking with Melanie Phillips in the Treasurer's office for months – to look at expedited taking process for smaller lots – that is in process – Melanie is meeting with town counsel to work on this – we want to talk and all be on the same page – provide a format how it would all happen – eminent domain takings would occur, developer is in –

Andy – zoning changes that would take place would allow us to essentially net almost \$900,000 from the state if it was a 40R project -

Kellie – so it wouldn't be a 40B

John – the focus of the UMASS project is the development of work force housing – I saw 3 things – industrial development, commercial development, and workforce housing – we now need to make it our plan – the industrial piece may occur on its own after the sewer gets in – the commercial piece seems to be a little more difficult to make happen

Andy – some of the people along there are excited about a big cash out

Kellie – you don't think there might be demand for the retail part of it

Andy – it will be pretty close to 495 – plus if we were to put in 300 units of housing

Chan – the planning department at UMass did this as a textbook – really a quality product by a 20 person graduate class – master degrees

Rick Kaplan – one big hindrance can be wetlands . . . did they look at that?

Andy – yes . . .

John – they put in buffer areas between the existing homes and where new construction would occur

Andy – even language for a suggested bylaw change was provided. . You can write language that says this and that are or offer what is called a form based code so you can accomplish the desired aesthetic

Karyl – there are certain standards in the design review handbook – there are certain things we do not want - the last thing we would want to see is something like what we see in Bellingham or Franklin

Karyl - what is shown in the draft report are very brief design concepts

Andy – a mid rise with 200 units in it would help us solve our 40B problem

Karyl – there is a tradeoff with this approach . . . implications of the architectural design within the amount of acreage that is available

Andy E – for Medway to put workforce housing along route 495 and receive the benefit of such without it being in the middle of town would be excellent

Bill – so you would like us to look at this and give you some feedback?

Andy – yes

Rick – I think it is a great thing . . .

MAPC Technical Assistance grant program

Gino Carlucci - Another aspect of the 43D program is that the state provided some funds to the regional planning agencies – to provide technical assistance to the towns – it is supposed to be tied to economic development – among the high priorities are projects that involve more than one town – Andy made contact with Bellingham Planning Board to look at the border area between Bellingham and Medway – the idea would be to try to open up some of the land in Medway that is presently landlocked by getting access thru Bellingham – also, some sort of connection between trotter drive and alder down to farm street in Bellingham or perhaps to connect to route 126

Andy – the same night we were at the Bellingham Planning Board to discuss this, the proposed Shoppes at Bellingham project was being heard – people are up to here with traffic issues - so we are now looking at route 126 and route 109 as a horseshoe – idea . . . it will save resources over time – bring in reused water to the power plant

Gino – there is no approval yet from MAPC yet on the proposal – they have not gotten back to us yet - but we expect it to be well received – part of the scope is to evaluate development potential of the land and how to relieve traffic situation in Bellingham . . .

Dave Harrington – I've got to go

Zoning Initiatives

Andy – we pursued all of the things based on the cues you gave us last time we met

Andy – can we agree to work on the bottle cap lots and the zoning changes that would need to be adopted to make it happen?

Andy E – who is going to take the lead on this?

Andy – we are. . .

Chan – I think the board of selectmen need to charge each committee with the cooperation responsibility – this plan tonight – getting that sewer design and making decisions on a daily basis is going to be essential to getting – somebody has to set responsibilities

Andy – hopefully, we have a cooperative effort (with the IDC) and we will continue to work cooperatively together – and I enjoy my interactions with each of you – I can assure the BOS that we will be cooperative - please bring any zoning ideas to our attention so we can be as effective as possible

Chan – I apologize if I have offended any of you fellas – I am sorry –

Kellie – I haven't been called a fella in a while

51 alder street site

Karyl - It seems as though AZZ is in pipe business – outdoor storage is way beyond what they indicated – it seems like they are leasing the building with the right to use the outdoor area . . . How do you feel about that? Is this an affront to other areas or other projects that might come into the industrial zone?

Andy – it is not exactly what we understood you wanted out there

Rick Kaplan – 51 Alder Street was trying to go after the higher end tenants – they couldn't do that so they have had to work with who is interested

Karyl – for the Verizon project at the south end of the building, the DRC met with them last night. They are planning to take out the landscaped islands, put in fencing all around so secure the area for parking

Bob – I hope that Medway gets the excise taxes on the Verizon trucks

Andy – how does this latest development affect your desires for the industrial park?

Bill – it is not what we would optimally like to see there – what I don't know is that allowed by zoning – the outdoor storage

Chan – I would hope that you guys would take an interest – I have a fear that the DRC will chase a lot of people out of town

John – we had some conversations a while back – about a particular forthcoming applicant's plans for property in the industrial park – we discussed the concept of highest and best use – the impression I had is that you are seeking more high end businesses – that does not seem what is happening – are we lowering our standards here – your recommendation for that applicant's idea was to say no – I want to get a gauge of what you want out there

Kellie – it has to be fluid – highest and best use will vary from time to time . . .

Bill – we can say Conroy was desperate but so is the town. .

Karyl – we knew there would be pipe storage

Bill – is AZZ doing something they shouldn't be doing?

Bob – remember they are at the end of the industrial park – not easy to see from 495 - maybe azz and Verizon is OK for the end of the park . . .

Bill - we would like to elevate the type of business

Andy – can we use form based code to require block buildings?

Gino – I don't think so in Massachusetts because it is a building code matter

Bob – I would hate to limit people to just block buildings

Susy – there may be something to look at – to allow outside storage based on a percentage of the size of the structure . . .

Kellie – ratio of 1:1 is way too much.

Rick – when Conroy built, they did as much as they could –

Andy – are they outside the designated storage area? AZZ

Kellie – ask them about where they are going to store? Leave enough parking,

Karyl – the DRC doesn't know how far to push this issue. What about the other prospective users?

Kellie – to serve on the DRC as liaison from the IDC - get her email info and add her –

Invoices

\$82.80 Community Newspaper Company for legal ad for smart growth grant public hearing - motion by bob, seconded by Chan – all yes

\$114.18 for Aspen Publishing – Mass Handbook of Land Use law update – motion by john, seconded by Karyl – all yes

\$ 262.50 to PGC associates for plan review services – motion by john, seconded by bob – all yes

Revised ANR Plan for 24 Pond Street/Byron Vinton

Gino - I have reviewed revisions. Looks OK – all items have been corrected

Motion to approve the ANR plan for 24 Pond Street prepared by Dunn McKenzie – motion by Karyl, seconded by bob – all yes.

NOTE – the PB signed the plan and form A-1

DRC Appointments

Reference memo from Susy

Motion by john, seconded by bob to appoint Katie Tortorello, Julie Fallon, Gary Jacob, Mickey Whitney and Karyl Spiller-Walsh to the DRC. – All yes . . .

Consulting Planner contract

Susy – we have had a contract with Gino Carlucci/PGC Associates for 3 years plus a one year extension . . . the Town Accountant has indicated we need to conduct another bid process since the annual amount exceeds certain thresholds. We cannot do another one year extension. We do have an extension through October. I have drafted a revised RFP.

NOTE - Send out to PB members for comments.

Invoicing/Bill Collections

Andy – with the new contract with Tetra Tech we have to pay our bills in 45 days. We need to do a better job at collecting money from the developers

Bob – we need to better use the tools are available – controlled construction options

Susy – there is a big difference between subdivision infrastructure and private property site plans

Andy – we need to be more aggressive in billing and establish higher minimum balances

Andy – VHB should give us notice when they go out for construction inspections – day, number of hours, so Susy knows when we need to collect more money before the invoice comes in

John – we need to be tougher, third time in and comment not addressed, we are not going to meet tonight for you . . .

Keep the right balance in place –

Andy – we can say bill us between 10-15th and 20-25th of each month.

The 45 days should start upon our receipt of consultant invoices . . .

Bob – give consultants a 5 day window to submit their invoices

Motion to adjourn by Karyl, seconded by John. All yes.

The meeting was adjourned at 9:35 pm

Respectfully submitted,

Susy Affleck-Childs
Planning Board Assistant

**Medway Planning Board Meeting
Tuesday, August 7, 2007
Sanford Hall**

PRESENT: Andy Rodenhiser, John Schroeder Schroeder, Chan Rogers, Karyl Spiller-Walsh,
Bob Tucker

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant

Meeting called to order at 7:13 pm

CITIZEN COMMENTS - None

Karyl Spiller-Walsh – I had a very brief impromptu meeting yesterday with Mr. Yorkis re: his prospective building next to the Cybex facility (495 Business Park). I gave him some feedback.

Andy Rodenhiser – I heard from Paul Yorkis today and he said he was grateful and appreciated the comments.

INVOICES

PGC ASSOCIATES – \$131.25 for consulting services (PB goals meeting) - Motion by Karyl Spiller-Walsh to approve, seconded by Chan Rogers. Approved.

PGC ASSOCIATES - \$131.25 for plan review services. Motion by Karyl Spiller-Walsh to approve, seconded by Bob Tucker. Approved.

Community Newspaper Co – \$186 for contracted services (public hearing notice on Design Review Guidelines). Motion by Karyl Spiller-Walsh to approve, seconded by John Schroeder. Approved.

Public Hearing – Site Plan Modification for 51 Alder Street – VERIZON Work Center

7:15 p.m.

Michael Snow, Meridian Associates
Greg Drake, Meridian Associates
Joe Lynch, Conroy Development

Motion by Karyl Spiller-Walsh to waive reading of public hearing notice, seconded by Bob Tucker. Approved.

Michael Snow - 164,000 sq. ft industrial building – built in 2001/2002 – building has been occupied at north end by AZZ/CGIT (82,000 sq. ft.) - remaining southern half has been vacant since it was constructed – this application focuses on a prospective tenant – VERIZON – I would like to go around and highlight the changes - originally there were 632 parking spaces constructed as approved in the original site plan. When AZZ/CGIT came in, they modified the northern end of the building – eliminated some parking spaces – and reduced the total parking down to 507 parking spaces. We will be meeting with the CONCOM a week from Thursday (August 16th) because there are some wetlands issues.

We are focusing on the southwest corner of the building. We need to remove the two window sections facing west and replace with overhead doors – consistent architecture – of course, there will be lots of work going on inside the building – in support of the overhead doors, we are proposing to displace some of the existing parking spaces on the west side to construct ramps to allow vehicles to enter the building for servicing, restocking, etc.

Moving to the parking lot. In our application, we had proposed to remove 5 landscape islands to restripe a portion of parking spaces to allow for 10 x 20 foot spaces for vans. The tenant wants the southern area enclosed with a fence for security purposes – we must maintain access all around – the landscape materials lost by removing the islands we were going to replant at the southwest corner of the site to provide screening from I-495.

We reviewed the plan with the DRC 2 weeks ago – we made some changes to the layout based on the DRC's recommendations

NOTE – Michael Snow handed out an 11x17 version that was reviewed with the DRC on 8-6-07

The DRC had asked us to try to get green back into the parking – we have introduced 4 diamond planters with trees in the parking lot that don't displace parking spaces – granite curbing to surround – 6 feet square – corners are chamfered -

We also took 6 trees that were displaced and added to the building entrances.

Also able to free up a 4' wide planting strip

We also introduced evergreen material to screen 495 – hemlocks – we will place where there are holes among the trees

We heard from NSTAR re: their easement – they are concerned about the fence restricting access to their lines – we have added a gravel pathway to allow them access to their easement - we also adjusted snow storage area

Bob Tucker – your parking area – is that intended to be used for daytime parking?

Mike Snow – there are 72 10 x 20 foot spaces and about 60+ 9 x 18 spaces for a total of approximately 140 spaces within the secure fenced area

Joe Lynch – the intent of the larger parking spaces is for the Verizon FIOS vans –

Bob Tucker – how many vans?

Joe Lynch – at the most 72 outside

Bob Tucker – plus 29 spaces inside for a total of about 100 vans – how do you plan on handling the work staff for their parking – where will you put them?

Joe Lynch – they would park next to the eastern face of the building, around the entrance on the western side and some in the southern parking lot

Bob Tucker– parking for about 100 vans and then for employees – what is the worse case for practical applications? - 299 parking spaces conceivably needed (100 vans plus 199 maximum employees)

Joe Lynch – per the lease, they have 246 parking spaces available to them

Joe Lynch – re: AZZ/CGIT – I know there are some concerns about their outdoor storage – we heard that from the DRC – I have been speaking with them about the pipe storage – I have told them they cannot store on the grass –

Karyl Spiller-Walsh – get them to lease more inside space for pipe storage

Joe Lynch – we want to make sure we have enough parking available for the remaining 40,000 sq. ft in the middle of the building

Bob Tucker – how would you feel if the fire department couldn't have access to the building - AZZ's piping is blocking fire hydrant access

Joe Lynch – they need to consolidate or move the piping off site - I am going to go straight to them

Andy Rodenhiser – they (AZZ) are violating the site plan – we want you to do what you say you are going to do – we don't mean to be unfriendly to business but this is a safety matter

Chan Rogers – Joe, you are speaking for the building owner?

Joe Lynch – yes, we are the building owner and we are the applicant –

Chan Rogers – you have authority to make AZZ fulfill their lease requirements –

Joe Lynch – we gave them some freedom at the beginning – it is time for them to clean up

Chan Rogers – you should tell the board this – that you as the owner are going to make the problem go away

Joe Lynch – it is a top priority for us – not just for site plan approval. We need to lease the rest of the building - it hurts us

Bob Tucker– are there any issues from a code standpoint – do they need oil trap separators?

Andy Rodenhiser – I reference Gino Carlucci's review letter. They provided at PE's statement that there will be no impact.

NOTE - Karyl Spiller-Walsh read updated 8-7-07 Letter of recommendation from the DRC re: their 8-6-07 meeting with the applicant to review the proposed changes

John Schroeder – you are putting the overhead doors on the front - you have an array of doors on the back of the building – I am curious why the offices didn't get the windows and the trucks got the end of the building?

Joe Lynch – the end of the building was important because of the outside storage of the vans –

Bob Tucker – any comments from the Fire Department – did they get the plans?

Susy Affleck-Childs – yes they received the plans – no comments were provided

Chan Rogers – would you describe this space as telephone center, indoor storage/maintenance and outdoor storage of vans? 199 employees for both office staff and technicians

Andy Rodenhiser – we haven't seen anything on signage

Joe Lynch – that is correct. . we talked briefly with them about signage – we don't have the actual plan – logical location – on west façade –

Susy Affleck-Childs – I encourage you to develop a master signage strategy for the building so it doesn't end up with 3 entirely different kinds of signs – the issue is materials – when the original 51 Alder Street site plan was approved in 2002, we didn't have any requirements for a master sign plan – we do now

Andy Rodenhiser – have you filed with CONCOM?

Joe Lynch – yes - they didn't have a quorum at the first hearing – it was continued to next Thursday (August 16th)

Karyl Spiller-Walsh – there was tiny conversation last night (at the DRC meeting) on chain link fence – whether there should be the brown strips

Joe Lynch – I am not a fan of the slats – I think we can do better with the landscaping we are proposing as well as what we are showing

Bob Tucker – it may not be needed

Andy Rodenhiser – so maybe just black vinyl coated?

Joe Lynch – one point on that area – I think they are more attractive than the galvanized – but they are more expensive – I would rather see a little more landscaping instead

Bob Tucker – if they would rather address this thru greenery that would be OK with me

Karyl Spiller-Walsh – the landscaping is not like massive covering – you are going to see a lot of the chain link fence

Joe Lynch – we have committed to 9 evergreens to fill in the holes –

Karyl Spiller-Walsh – they will soften the look but they are small going in

Karyl Spiller-Walsh – I think the brown vinyl slats at AZZ is not as effective as I hoped it would be

John Schroeder - you are concerned about the view from the building?

Karyl Spiller-Walsh – just the massing of the chain link

John Schroeder – might I suggest a hybrid – use black chain link fencing across the front that faces the south end of the building and the balance could be the galvanized

Joe Lynch – that sounds good

Karyl Spiller-Walsh – I would like to comment – they responded nicely to the DRC comments – integrating green into the parking lot – nice job

Mike Snow – we used the diamonds at Sudbury Plaza

Chan Rogers – the linear planter will have granite curbing?

Mike Snow – no, it would be concrete for the linear planter to match the rest of the parking lot curbing – the diamond shaped islands will have granite

Andy Rodenhiser – we have adopted a policy change to keep at least \$3,000 in the revolving funds – we have to pay the bills within 45 days – we need to collect money from all the developers

Susy Affleck-Childs – in this instance, the total plan review fee estimate from Gino is only \$675 which they have provided – also, they have already paid for the postage and newspaper ad

Andy Rodenhiser – how are we going to handle construction observation?

Chan Rogers – I move we close the public hearing and commend the applicant for taking the advice of the DRC. Seconded by Karyl Spiller-Walsh. Approved.

Mike Snow – we will be glad to give you the certification from the engineers that all work is done in compliance with the plan

Chan Rogers – why don't we just vote on this now?

Susy Affleck-Childs – I strongly encourage you to not vote on a project without the corresponding written document

Andy Rodenhiser – final approval will be contingent on all bills being paid

Chan Rogers – I think we should give the applicant notice that we approve the concept

Joe Lynch – it would be helpful – to move this along – I wish the building inspector would look at the plans while the 20 day appeal period is going on after the decision is filed with the town clerk

Susy Affleck-Childs – you can vote at the next meeting

APPOINTMENT at 7:45 pm on August 21, 2007 to vote on site plan decision.

SUSY to prepare draft decision.

INVOICES

PGC Associates - \$4,750.00 for 43D program expenses. Motion by Karyl Spiller-Walsh to approve, seconded by John Schroeder. Approved.

Country View Estates Definitive Subdivision Plan Modifications

8:15 p.m.

Greg Whelan – Broad Acres Management

Andy Rodenhiser – I have handed out minutes from the 10-10-06 PB meeting when we discussed this at length – also the VHB bond estimates for Phase I, II and III – and the current bond status as of today for the 3 phases

Andy Rodenhiser – has any of the work been completed?

Greg Whelan – I couldn't – I was waiting for you to approve the plan revisions (for detention pond repairs at 37 Broad Acres Farm Road)

Andy Rodenhiser – there are other issues in the subdivision too - we had asked for a schedule – it is in the minutes – this project will be 8 years November 2007 – it is difficult for us to expect that you will get it done – we are looking to you

Greg Whelan – it has to be wrapped up – I am hoping I can get the road accepted at the fall town meeting this year

Andy Rodenhiser – what do you need from us to start next week?

Greg Whelan – you need to sign all the plans – I need to know that the \$50,000 that we set aside with the bond (for phase III) to do the work is going to be available to pay the contractors when they finish and when things are inspected . . .

Andy Rodenhiser – this is a very prickly situation for all of us here in the room – everybody wants it done – you are the one calling the shots – you have to make it happen – we are prepared to move on the bond – we have a meeting with town counsel on the 8-21-07 - we have met with Dave D'Amico (DPS Director) – we know what needs to be done – we issue an RFP thru the winter – do the work based on the bond estimates – how do you feel board? anything you want to add?

Bob Tucker – You are right on target

Chan Rogers – why can't it be done now – I think we should set a deadline

Greg Whelan - give me till September 30th – give me a date – it will be done – I couldn't get anything done until the plans were approved

Andy Rodenhiser – no progress has been made on any of the other work - you got back \$70,000 of your bond money last fall and you haven't done anything

Greg Whelan – September 30th . . .

Andy Rodenhiser – we have a new policy that we have put in place – we have to keep a minimum of \$3,000 in the revolving fund accounts to be able to pay the bills within 45 days – we can't be your bank anymore and not pay our bills – we need you to bring this up to the minimum

Greg Whelan – Will VHB continue with this project (for inspections)?

Andy Rodenhiser – yes. Tetra Tech Rizzo is the new firm as we move forward – we also know the new town counsel bill came in at around \$800 instead of the \$3,500 that Dick Maciolek had estimated

Andy Rodenhiser – get a schedule of the things you need to have done – if we don't hold you accountable, who will? You need to show some good faith

Chan Rogers – you have to know that this board supports the chairman

Greg Whelan – I have no problem doing that.

Susy Affleck-Childs – I would suggest you sign the plans and tell me to hold them until the CO money is paid

Andy Rodenhiser – and the schedule

A motion was made by Bob Tucker, seconded by Chan Rogers to approve Detention Pond Repair Plans for 37 Broad Acres Farm Road/Lot 34 Country View Estates subdivision, dated August 6, 2007, prepared by Faist Engineering of Southbridge, MA, contingent on Greg Whelan providing \$3,000 for construction inspection services and a time schedule for completion of all subdivision construction work. Approved.

Greg Whelan – I will bring a check and a schedule to Susy.

Susy Affleck-Childs – I will be on vacation next week. Also, I will write up something that can be filed with the Town Clerk.

INVOICES

Blatman, Bobrowski and Mead – \$2,242.42 for plan review legal services for the Marian community ARCPUD project – Motion by Karyl Spiller-Walsh to approve, seconded by John Schroeder. Approved.

Susan Affleck-Childs – reimburse \$60 for Notary Public registration fee – Motion by John Schroeder to approve, seconded by Karyl Spiller-Walsh. Approved.

VHB –\$ 4,385.50 for plan review services for the Marian community RCPUD project – Motion by Karyl Spiller-Walsh to approve, seconded by Bob Tucker. Approved.

OTHER BUSINESS

1. Transition to Tetra Tech Rizzo for Engineering Services

Susy Affleck-Childs – I am meeting with Dave Pelligri, the TTR project manager, tomorrow morning to start the transition process. I am trying to figure out how to handle the projects that are in process for both plan review and construction. I am thinking we should have VHB continue with the Marian plan review – but we have subdivisions that are under construction – does it make sense to switch over and stay with VHB?

Bob Tucker – it might be easier to just let tetra tech take over those projects

John Schroeder – if it started with VHB, I think it should finish with them

Chan Rogers – I think we should keep River Bend with VHB - I think we should discuss each project on a case by case basis

Andy Rodenhiser – We can stay with VHB as long as the contract goes – Susy, where does that stand?

Susy Affleck-Childs – I believe it is still being negotiated

Chan Rogers – Can't the board make a recommendation to the TA? I think we should stay with the consultant an applicant started with. . it would be unfair to both

Bob Tucker – with plan reviews, I agree with you . . . but what about in terms of construction observation? I think you can make a split. .

Andy Rodenhiser – we are done with the review on River Bend – so go to the new firm for inspection services

Karyl Spiller-Walsh – that was such a difficult plan – but if the engineers on our board feel that would work, I will go along

Chan Rogers – I think we should do a quarterly evaluation – and each give our own opinion candidly – I don't want to see a consultant go way down the pike

Bob Tucker – I think anytime we are doing an evaluation we should do it in executive session

Susy Affleck-Childs – I am not sure if that is one of the allowable topics for exec session – I can check

Andy Rodenhiser – at least at the beginning, we should lay out our expectations – we look to this person as a professional to say yes it meets standard for eng practices – we need to be clear to tell him that

Bob Tucker – we need to give him our expectations

Andy Rodenhiser – let's codify it in writing – and then go back quarterly as Chan Rogers has suggested, maybe in time it becomes biannual – members will change as board changes – we need to make sure we keep a pulse on what the board wants from a consulting engineer

2. PB Membership

Karyl Spiller-Walsh – It is possible there is a potential PB candidate among the new ranks of the DRC . . .

3. Ryan Road property – ZBA hearing in Millis

Andy Rodenhiser – I resident called who lives on Ryan Road about a Millis ZBA hearing coming up – Bernard Lewis wants to build a home in Millis but access it from Medway – he cannot fill anymore wetlands in Medway – he needs a bunch of variances from the Millis ZBA – he started to build a house on the Medway portion of the site – he tried to build a house on the Medway side before – the project was stopped after a foundation had been poured but he never restored the foundation – Dave Travalini of the Medway ConCom will be at the meeting in Millis tomorrow night along with me – apparently CONCOM denied a wetlands crossing before

4. Revolving Funds

Susy Affleck-Childs – You had asked for a report on the two revolving funds. Here are reports on both funds (plan review and construction observation) for FY07 – They don't show beginning or ending balances but activity during the fiscal year

Andy Rodenhiser – does this show due dates for invoices? how can we work on a tracking system to know when we are behind in paying our bills?

5. Camp Sunshine

Chan Rogers - I met the person running the kids summer program held at the senior center – camp sunshine – she asked me, because I am friendly with people at the senior center, where is a site in town where they could have a permanent structure if they raise the money – I thought that the whole playground area up at Oakland Park where the fields are would be good – she asked why not 2B Oak Street – I gave a personal opinion of NO but I did say that I would ask the PB for an opinion – they will get their \$ from a private donor – they seem very confident that it can be done – they want our suggestions on property locations

John Schroeder – 2B Oak Street was suggested as a possible location for Camp Sunshine – the CPC is looking for a non-profit organization to take over the property and run with it – the land is there to do that –

Andy Rodenhiser – at last night's BOS meeting, they are concerned about cleaning up the site –

John Schroeder – The Friends of Choate Park have plans for a gazebo up there – we should try to get everybody together

Andy Rodenhiser – Perhaps we could use the services of our new engineering that we have to put something together

Susy Affleck-Childs – I spoke with her as well – They need a place for their summer program – I said the community has a need for community meeting rooms – they have a donor already in place

John Schroeder – Karyl has mentioned the need for a community facility for meeting rooms – maybe the barn could be expanded in some way to meet the needs of Camp Sunshine

6. Sewer Project

Chan Rogers – I do want to bring up the issue with the sewer and the IDC – I feel the PB has the ultimate responsibility for getting in the sewer and getting the property on the tax rolls – we should express our interest to move the project along – the sewer commission is at odds with how the design should be done – the BOS should sort it out – we should give our opinion and our guidance on how these things should be done –

Andy Rodenhiser – the PB is not saying that any board is getting in the way

Andy Rodenhiser – is there a motion from anybody to take such action?

Chan Rogers – I am not suggesting any action but other boards should be encouraged to move ahead

Andy Rodenhiser – The IDC is getting back together on August 14th with their engineering firm

John Schroeder – it seems logical if it is a design of a water/sewer system that the Sewer/Water department would be involved – is it not a good assumption on my part that they should be involved?

Andy Rodenhiser – I think that is that most people would agree with – the reason IDC got involved in the first place is that there wasn't an aggressive enough effort to get sewer up there

John Schroeder – but now that we have the funding, the design piece should be driven by the water/sewer board

Bob Tucker – and the BOS

Andy Rodenhiser – there is a meeting on August 14th - it is not our meeting – I can tell you and promise you that whenever I meet I try to invite as many people as possible – I can't tell any board what to do -

Chan Rogers – I want to point out to the town – now is the time to save time on the design

Andy Rodenhiser – august 14th – the IDC will review logistics and issues at that time

Chan Rogers - moving ahead with design without guidance could be a disaster

Bob Tucker– Chan, will you be at the meeting on august 14th?

A motion was made by John Schroeder, seconded by Bob Tucker to adjourn. Approved.

The meeting was adjourned at 9:08 pm

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

**August 21, 2007
Planning Board Meeting**

PRESENT: Andy Rodenhiser; Bob Tucker; Karyl Spiller-Walsh; John Schroeder; Chan Rogers

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant
Barbara Saint Andre, Town Counsel
Gino Carlucci, PGC Associates Consulting Planner
Andy Espinosa, Board of Selectmen

Meeting was called to order at 7:02 p.m.

Citizen Comments – none

Motion was made by Bob Tucker, seconded by John Schroeder to go into executive session for the purpose of discussing strategy with respect to litigation and to go back into open session upon completion.

Roll call – Karyl Spiller-Walsh – yes
John Schroeder – yes
Bob Tucker – yes
Andy Rodenhiser – yes

Executive Session concludes at 8:02 p.m.

Andy – for the public. This is the PB meeting of August 21st – we opened the meeting at 7 pm and went into executive session. We are now out of executive session – we are now going to continue with our agenda

Public Hearing Continuation – Marian Community ARCPUD Special Permit

Andy – the applicant did not get their information on the revised plans in to VHB in a timely fashion. We will continue to 8 pm on September 11, 2007 -

Motion by Bob, seconded by Chan to continue the public hearing to September 11, 2007 at 8 pm. All yes.

Lot Release – 31 Norfolk Avenue

Andy – we have a house keeping detail

James kinder – I represent the current owners of 31 Norfolk Avenue – they are selling their home. We are looking for a release for Lot #1. In doing registry research we cannot find anything that the lot was released from the 1994 subdivision covenant

Bob – have all the conditions been complied with on the covenant?

James Kinder – yes, - when the covenant was issued in 1994, it mostly applied to lot #2 because lot #1 already had the house on it

Karyl – what is built on the road?

Andy – it is in place.

Bob - would it be more prudent to release both lots

Karyl – is there any reason not to release it

Gino – I wonder if lot #2 has already been released

James kinder – it came across the title company's radar – and they want it resolved

Motion by Bob, seconded by Chan to sign the lot release for 31 Norfolk Avenue. All yes.

James Kinder – thank you very much

NOTE – Board signed lot release. Susy will notarize.

51 Alder Street Site Plan Modification Decision

Bob – I suggest we add option of using an architect to do the certification

Chan – state law is very clear that it has to be an engineer

Bob - I do certifications all the time with architects

Gino – suggest you say “and/or” a registered architect

AGREED.

Gino – so the fencing will not match what is being done at the other end at AZZ?

Susy – most of the fencing will be quite hidden by woods. John suggested a compromise that they do the northern edge of the fencing in vinyl coated.

Bob – I want something to keep pressure on the building owner so we aren't waiting for as-builts – let's put a time limit on the temporary occupancy permit

Susy – I am not sure that is in our purview – the site plan bylaw gives them 2 years to complete work.

Andy – but the whole idea is so they can get in and not have to wait for the as-builts –

Chan – leave as is

John – yes

Bob – OK

A motion was made by Chan Rogers, seconded by Bob Tucker to approve the draft site plan decision dated August 20, 2007 as revised tonight. All yes.

NOTE – Board signed decision.

Andy – to Andy Espinosa, at the public hearing, the applicant asked for some relief so that the building inspector could review the building permit plans while the 20 day appeal is going on – we don't see it as controversial and don't expect it to be appealed – get building permit sooner, etc - ask to move this along . . .

Lot release – for lot 10 Redgate 2 – 5 Ash Lane

Susy – this is another housekeeping matter. The street has been accepted, all bond monies returned. I have a copy of the original lot release the PB signed in December 2000 that was given to the developer but apparently it was never recorded.

Motion by Chan Rogers, seconded by Bob Tucker to sign the lot release for Lot #10 at Redgate 2 – 5 Ash Lane. All yes

NOTE – Board signed lot release. Susy will notarize.

Country View Estates Completion

Andy – you received a copy of Greg Whelan's letter with his time schedule for completion. Here is a draft letter from the PB to him in response. I would like your input

Andy – I feel it is important that the process is followed and we have respect for different people in town hall that have a part in processing checks

Andy – we need to add a reminder to the letter re: November 2007 completion or lose his bond money - he was told that verbally at the last meeting and we will say it in this letter as well.

Andy – are you OK with this letter – I wanted to share this with you – suse and I worked on it

All Agreed.

Sidewalk Fund

Susy – Chan stopped by today and mentioned that the BOS had discussed possibly using the sidewalk fund for fixing the route 109 crosswalks. Here is the Milford Daily News article from today's paper about last night's BOS meeting. I have put together some info for you – the newspaper article, a copy of the original town meeting article creating the sidewalk fund, and a list of what monies have been collected to date. \$48,750. The article mentioned the BOS wanted to find out if the monies could be used for the crosswalk. This info should help.

John – issue of whether the fund is to be used for sidewalk improvements or maintenance? What is the crosswalk work considered to be?

Andy – I believe these would be legitimate improvements

Chan – The Town is in dire financial straights – the use of the sidewalk fund is a no brainer – we have people moving out of town because of the financial situation - higher fees at the schools, etc.

John – I just want to make sure that we are continuing to look forward and not backward – I am not being critical, but just because we are in dire financial straights, we should not forget to be looking at putting in sidewalks where there are none – not lose sight of the intent of the program

Chan – it is a no brainer today.

Susy – the warrant article is clear that there needs to be a Sidewalk Plan

Andy Espinosa – the question was asked to Dave whether he saw any other areas of town that needed the work – Dave indicated it was needed here because of safety –

Andy – I asked Dave if we could just repaint the crosswalks – that does not address the landing areas that need to be ADA compliant – they are not legitimate cross walks right now – it is in the spirit of what the bylaw was written for

Andy – We are also getting some developers to do sidewalk work as part of their projects - River bend will replace some sidewalks on Village street; Applegate will do sidewalks on Coffee street along their frontage and also along the north side of coffee street from Ellis to Holliston. Daniels Village will do work on Lovering street.

Chan – I think this is a very good use of the funds . . .

Andy – who should do the sidewalk plan?

Susy – I believe it is appropriate for DPS to prepare for sidewalk plan

Andy – but we need to make sure we plan for the future – we need to plan to build new sidewalks where there are none

John – the sidewalk fund, if we are not careful and there is no plan may end up getting used a little bit here and a little there – and we didn't really connect this part of town – we did patching

Andy – could we be part of creating the plan?

John – create a big giant loop all around town - whole community spirit

Andy – that is a vision we should have and translate into a plan – whether it is ever funded or not – but if grants ever become available – could community development block grant funds be used for that?

Gino – I don't think there is anything specific that could be used for sidewalks – but there is some where sidewalks could be a component of it

Chan – there are people who are upset that the route 126 improvements include granite curbing and bituminous sidewalks - they expected concrete sidewalks

Chan – The Mass highway resident engineer is fueling the fire by saying that they build concrete sidewalks all over the place. Too late now to change it

Committee Reports

Chan – I would express my own opinion to thank the BOS for having its liaison (Andy Espinosa) at our meeting – I would also like to say that it is too bad that 5 weeks have passed on the sluggishness of getting things done with the sewer project – the planning board does have the ultimate stewardship of the industrial park and responsibility to help the IDC

Because I am on SWAP, I am on a regional transportation committee – the commissioner came to the meeting last Wednesday night, they did a full power point presentation of what they have to do to Storow drive -

MINUTES

July 24, July 31, and August 7, 2007.

A motion was made by Bob Tucker, seconded by Karyl Spiller Walsh to approve the minutes of the July 24, July 31, and August 7th PB meetings. All yes.

No other business

A motion was made by John Schroeder, seconded by Bob Tucker to adjourn the meeting. All yes.

The meeting was adjourned at 9:10 pm

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Medway Planning Board Meeting Tuesday, September 11, 2007

Board Members Present: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, John Schroeder, Chan Rogers.

Also Present: Susy Affleck-Childs, Planning Board Assistant; Gino Carlucci, PGC Associates.

The meeting was called to order at 7:06 p.m.

Citizen Comments - None

Invoices

Petrini & Associates - \$266 – Plan Review for Marian Community/Betania ARCPUD. Motion to approve by Karyl Spiller-Walsh, seconded by Bob Tucker. All Yes. APPROVED.

VHB - \$3,747.10 - Plan Review for Marian Community/Betania ARCPUD. Motion by Bob Tucker, seconded by Karyl Spiller-Walsh. All Yes. APPROVED.

PGC Associates - \$300 – Plan Review for 51 Alder Street size plan/VERIZON. Motion to approve by Chan Rogers, seconded by Karyl Spiller-Walsh. All yes. APPROVED.

VHB – \$6818.21 - Construction Observation for Morgan Heights, Speroni Acres, and Evergreen Meadows. Motion to approve by Chan Rogers, seconded by Bob Tucker. All Yes. APPROVED.

WB Mason – \$134.09 – Office Supplies. Motion to approve by Chan Rogers, seconded by Karyl Spiller-Walsh. All Yes. APPROVED.

Mass Federation of Planning and Appeals Boards - \$90 – Annual Membership. Motion to approve by Karyl Spiller-Walsh, seconded by Chan Rogers. All Yes. APPROVED.

VHB - \$29.10 – Contracted Services for Morgan Heights expenses. Motion to approve by Karyl Spiller-Walsh, seconded by Chan Rogers. All Yes. APPROVED.

All here and present

Informal Discussion – Possible redevelopment of 133 Milford Street

Chuck Black Black, Kendall Homes
Frank Pirello, Guerriere & Halnon

Chuck Black - Kendall homes, builders for 30 years, lived in the area. Here with me is Frank Pirello from Guerriere and Halnon for an informal discussion re: 133 Milford Street which is presently owned by Beverly Swift.

Andy Rodenhiser– that is the My Terra Gardens site on the south side of route 109

Chuck Black – Our plans are to develop the property and put up an office building/medical – 7500 sq. ft or less – We wanted to chat with you folks tonight – find out what the procedure is – any questions or comments from the board?

Andy Rodenhiser – you will need to file a site plan application – I would encourage you to consider what is being proposed for that area – potential for that area –

Gino Carlucci, planning consultant – a study was done by UMASS graduate students last spring. They came up with a plan for this entire area – the concept is to create a gateway to Medway with a village atmosphere – includes the area down into the 495 business park – calling for a mixed use concept for much of the area and particularly along the route 109 corridor; they are proposing a pedestrian friendly – there will probably be zoning changes to go along with the plan – but something you could do now to be compatible with the concept that is being proposed is to put the parking in back and bring the building out closer to the front of the site toward the street – there is a plan to bring sewer to the business park – might want to consider a 2 story building – think about the future

Frank Pirello – we need septic to that area so that will limit the size

Karyl Spiller-Walsh – with the size of the building at 7200 sq. ft – how comfortable are you with the septic area?

Frank Pirello – we have done some preliminary testing – did deep holes and percs on the site – everything has to be done – topo, etc. We will probably have to go to the ZBA for a groundwater protection special permit -

Karyl Spiller-Walsh – gravel area there now

Andy Rodenhiser – we would hope you would be sensitive to what we are trying to do in this area

NOTE - Susy to provide UMass study and groundwater protection district maps to Frank Pirello.

Andy Rodenhiser – It needs to be a good looking building –

Chuck Black – in theory – when would the zoning changes be proposed – spring town meeting?

Andy Rodenhiser – we are fairly aggressively pursuing that – with a new overlay there could be mixed uses

Bob Tucker – UMass study – nice job, good concept – looks like a good plan overall –

Chuck Black – I could not come forward with that type of use today – we could come forward and get approved as an allowed use to get an office building.

Frank Pirello – we are going to be restricted to the building size because of the septic – 400 gallon a day septic system is our limiting factor

Chuck – we plan to keep the property – we want it to be very nice

Susy – take a look at the new medical office building in Franklin at the corner of King Street and Union Street. . They did a very nice job of placing the building close to the street with the parking in the back.

Dave Pellegri, Tetra Tech Rizzo Engineering

Andy Rodenhiser – welcome – good to see you again – We met Dave when the engineering consultant review team met – That team included Dave D’Amico; Joe Musmanno, Bill Fisher, Dave Travalini, myself and Susy.

We want to communicate with Dave regularly - constantly give him feedback on how things are going –

Dave Pellegri– I would like to be a resource for the town as well – and offer opinions and ideas – feel free to email me and I can usually find an answer – glad to help in that aspect if I can – I live in Franklin, I come thru town on my way to work in Framingham – we have started to do some work on the Franklin Creek subdivision – I met out there with them – they will call me when the utilities are going in – I can do quick stop by inspections on the way to work – I look forward to working with the town –

Karyl Spiller-Walsh – how are we transitioning to this new firm?

Andy Rodenhiser – VHB will continue with current applications (Marian Community) and stay with construction observation already underway (Hartney Acres, Ishmael Coffee, etc . . . new projects/applications will go to Tetra Tech Rizzo for review

Karyl Spiller-Walsh – river bend/Walnut grove – we took a lot of risks with this project – lots of low impact development techniques –

Andy Rodenhiser – our concern is that it gets done properly

Karyl Spiller-Walsh – we were and are very skeptical about the success during large storms

Dave Pellegri – we have already been working with Dave D'amico on the McGovern School

Chan Rogers – who makes the decision to change consultants?

Andy Rodenhiser – VHB is on a one year contract to finish up some projects

Bob Tucker – I don’t think there is a need to have 2 firms long term

Chan Rogers – I would like to offer some advice – you are in a good position to review the performance and capabilities of an applicant’s engineer – please advise us when you are not getting plans that are up to snuff – we have been concerned with a lot of inefficiencies with some

of the developers' consultants – we spend an inordinate amount of time to get them going in the right direction

Karyl Spiller-Walsh – and applicant's money

Andy Rodenhiser – we want you to be vocal and candid with applicants on needs

Karyl – it is very important with some of the bigger projects – there are lots of times when we call the engineering firm and I would like to see more intuitive discussion as well as technical reactionary comments – so we have a sense of what could be happening – intuitive sense about how water systems are going to work – I need somebody to fill in the blanks for me . . .

Dave Pellegrini – one thing we like to do – if we see an issue – we will identify it and ask for additional information –

Karyl Spiller-Walsh – and I have a lot of concerns about river bend/walnut grove

Chan Rogers – you are there to review their stuff, not to do it for them

Andy Rodenhiser – does your firm has a review process for a way to evaluate how we are all doing - we want to have a good relationship and have good feedback - I assume this is something that you wouldn't charge us for . . .

Dave Pellegrini – We don't have anything standard but I could get started on that now

Bob Tucker – I don't think it will take you long

Andy Rodenhiser – I met the other night with the Conservation Commission – they are going to be looking to you for help with rules and regs –

Dave Pellegrini – I did meet with them on the McGovern School project –

Dave Pellegrini – Susy loaded me up with a huge packet of info – UMass study . . .

Bob Tucker – Susy – please send us his contact info

Dave Pellegrini – Here is a CO report on 8/28/07 for Franklin Creek – typically we like to note materials on site, etc.

Susy – want to make sure the report includes a list of who is there –

Bob Tucker – with plan reviews - we would appreciate your opinion on whether a waiver would be required . . .

ANR Plan - 50 Winthrop Street

Greg Bunavicz, Borderland Engineering

Patrick Pyne, Chicken Brook, LLC
Margo Otey, realtor

Summary – 4 ANR lots with frontage on Winthrop Street and 11 plus acres in the back with a 50' wide access area from Winthrop Street

Andy Rodenhiser – will you be coming before us to develop the back land?

Greg Bunavicz – there are some preliminary ideas

Andy Rodenhiser – are you a developer of affordable housing

Patrick Pyne – Chicken Brook LLC – No, we are looking at a 5 lot conventional subdivision out back in the future

Karyl Spiller-Walsh – lot #1 near the riparian zone – is that intended to be used as a building lot – are the setbacks OK – is there enough room to put a house in?

Gino Carlucci – most of it is within 200 feet of the riparian zone – zoning wise there is enough room but it would ultimately be up to ConCom on how much disturbance there would be allowed

Karyl Spiller-Walsh – 15-20 feet from flood plain boundary to sewer easement - - concern I have conceptually – as an informal – if there is going to be development on this back parcel – you might want to look at a second egress – maybe lot 1 could be used that way – you may be cutting off your nose

Andy Rodenhiser – have you looked at doing the back land as an OSRD?

Greg Bunavicz – the thing that is holding us back – is the OSRD formula accounts for riparian zone – it results in less than 5 units – so that puts a big dent in it . . .

John Schroeder – so you are looking at a potential for 9 units – (4 ANR plus 5 conventional) - did you look at the whole site for OSRD??

Greg Bunavicz – we looked at it fairly quickly

Andy Rodenhiser– you will be limited to a 600 foot road with a conventional subdivision

Andy Rodenhiser–Gino, what are your thoughts on this?

Gino Carlucci – good concept to try to cluster but if the formula doesn't work . . .

John Schroeder – what is possible to be done thru waivers to make it possible to do an OSRD there? I would strongly prefer to see that instead of a conventional subdivision

Gino Carlucci – the formula is a zoning requirement – it would take a variance by the ZBA –

Greg Bunavicz – There really isn't a hardship for the basis for a variance

Patrick Pyne – we do have a preliminary concept plan for the back land – Distributed concept plan

Andy Rodenhiser – I can't imagine that there isn't some way to do this with an OSRD

John Schroeder – the concept of the OSRD – the goal of it is to concentrate units of housing on smaller places and preserve as much of the open space as possible – I would think there is some way to make this work to the benefit of the contractor

Karyl Spiller-Walsh – as a piece of land, the nature of the land as a hay field in the back and the riparian zone and this little farm house with a beautiful oak tree that would be going down the toilet – I think it would look so much better if you could cluster the houses – you need to look at how the houses are going to look on these fields – it will be like Indiana – I should think if it was more interesting – if they were somehow clustered and landscaped tighter – conceptualize and – the expanse is beautiful with nothing on it

Patrick Pyne – we are open to your suggestions

Gino Carlucci – I was looking at the bylaw, the formula clearly includes the 200 foot riparian zone – you could consider changing the bylaw to allow the PB to waiver that requirement under certain limited conditions

Patrick Pyne – when is your next town meeting?

Susy – Perhaps this fall

Andy Rodenhiser – more dense development and more open space – less gigantic lots – Chicken Brook is an important resource . . . if we can work with you to do that we would encourage you – you are hearing from most of us that we would prefer to see a non-conventional subdivision

Chan Rogers – it would appear that a large amount of the land cannot be used anyway . . .

Karyl Spiller-Walsh – what we are proposing – the open space that you have going on there – as a development, it could be an opportunity for you as a developer to have it look spectacular vs. just big spots on an open flat plain

Chan Rogers – somebody must have done some evaluation on lot 1 – is it pretty much foregone that the house would pretty much have to be in the corner

Patrick Pyne – that was definitely the point of the shape of that lot . . .

Gino Carlucci – one thought I had on a possible zoning change is to provide a provision that the applicant has a right to present a conventional plan and if the conventional plan exceeds the number of units the formula generates, then the PB could approve a higher number than the formula generates

Susy - that is something that we could readily put together for a fall town meeting

Greg Bunavicz – the entire parcel is 16 acres . . .

Andy Rodenhiser – Are there are some provisions for affordable housing?

Susy – the OSRD bylaw general encourages affordable housing but it is not a requirement

Karyl Spiller-Walsh – have you done any structure architecturally other than single family homes?

Patrick Pyne – we have mainly done single family houses –

Greg Bunavicz – my first interpretation was to try to approach is from an OSRD –

Andy Rodenhiser – let's talk about the things that could make it work – I think it would be in the best interest of the town to try to do something different

Patrick Pyne – it would be a lot better

Andy Rodenhiser – and you would save \$ on construction costs

John Schroeder – less effect on the scenic road

Andy Rodenhiser – do we need a motion on the ANR plan?

Susy – yes

Greg Whelan – I did do an OSRD layout back a while ago

Gino Carlucci – you could choose to not record the ANR plan right away

Patrick Pyne – we could work on this some more . . .

Susy – they could agree to withdraw the ANR application or ask you to endorse it tonight

Gino Carlucci – an OSRD already provides great flexibility on frontage, etc. . .

Andy Rodenhiser – example – Pine Ridge off of Candlewood is an example of an OSRD we have approved

Karyl Spiller-Walsh – the land around it is very beautiful - I don't know if doing ANR plans is really in your best interest

Andy Rodenhiser – the OSRD bylaw encourages you to retain key site features. ..

Andy Rodenhiser – what do you want to do with this . . . ?

Patrick Pyne – we would like to discuss and come back to you in a few minutes with our decision

Public Hearing Continuation - Betania II – ARCPUD Special Permit

8:13 pm – Open up public hearing

Andy Rodenhiser read the 9-11-07 email communication from Attorney Proia asking to continue the public hearing to a future date.

Andy Rodenhiser – We will not take any testimony tonight - we need to continue this

NOTE – The board agreed to have special meeting on October 16 instead of its regular meeting on October 9th

A motion was made by John Schroeder, seconded by Karyl Spiller-Walsh to continue the public hearing to Tuesday, October 16th at 7:05 pm - all yes – APPROVED.

Back to 50 Winthrop Street ANR Plan

Greg Bunavicz – we have agreed to look into the OSRD option – however, we are on a time schedule with the owner to buy the land

Patrick Pyne – we would definitely not record the ANR plan

Greg Bunavicz – we would like to have discussions with you on this

Karyl Spiller-Walsh – you might find it easier with your stormwater planning –

Margo Otey – questions open space – does there have to be recreational space?

Susy – open space would be accessible to the general public – grant of easement

Karyl Spiller-Walsh – tie into our trail system

Margo Otey – if a concept is designed – could we present it at an informal session?

Andy Rodenhiser – absolutely . . . the notion of a public trail system - condo association would not be liable for public access . . .

Motion by Bob Tucker, seconded by Karyl Spiller-Walsh to endorse the ANR Plan of Land for 50 Winthrop Street, plan dated August 29, 2007, last revised September 10, 2007, prepared by Borderland Engineering of Plainville, MA. – Bob, Karyl Spiller-Walsh – All yes. Motion Approved.

NOTE – Make copies of their concept plan for a conventional subdivision

Country View Estates – Status Report

Greg Whelan
Ted Cannon, attorney

Ted Cannon - We are here tonight in response to the Board's letter of August 22 on progress to get the road done (Broad acres Farm Road) – most of the work has been done and Greg Whelan has put together a schedule – between today and October 12 just to be conservative – Greg's best guess is that the work will be done by the end of the month – we would like to come before you at your October 16 meeting –

Greg Whelan – we have started the construction on the repairs of the pond on the Streifers property (37 Broad Acres Farm Road)

Greg Whelan – Paul Carter, Mark Louro and I went thru that punch list (July 2005) – 10 of them are being taken care of by the work on the retention area on the Streifer property – out of the other ones, there is less than a dozen that I have to address – most are taken care of . Most of this list is being worked on as we speak

Andy Rodenhiser – there was a meeting last week up there with Greg, Paul and Mark. Is there a new punch list?

Paul Carter – not yet, I will be preparing notes from that meeting.

Greg Whelan – it was just last Friday – we are on the same page – it is not a lot

Paul Carter – the subdrain around the sewer manhole at station 15+00 – that was the plan that had been submitted – Dave D'Amico says it has to 4 feet –

Susy – Dave D'Amico wants to hear specifically from VHB that it is OK at 3 feet - he is concerned about freezing

Paul Carter – certainly it would be better at 4 feet – but the drain line is right where the conduit is - there really isn't a way to go to 4 feet . . .

Bob Tucker – single trenching is very common

Greg Whelan – I wouldn't say it is in the same trench per se . . . the utilities decide where they are going to put their stuff – the issue with the 4 feet is that up until 2 years ago, the town bylaw required 2.5 feet, then they brought it to 4 feet – there are several situations in town where this is a problem – when it comes to the time of the year when it would be freezing, it wouldn't be a problem

Paul Carter – he would have to go further down the drain line to get down one more feet in depth.

Greg Whelan – Dave D'Amico wants a clean out and that is the issue . . .

Susy – Dave D’Amico told me this afternoon he would want to watch it thru the winter if it is done at 3 feet – to see if it freezes – that would hold off street acceptance until next spring . . .

Greg Whelan – that’s OK. I understand

Paul Carter – to finish this up – so are you going to submit a revised plan?

Greg Whelan – we will go with the original plan and wait to see it thru the winter for performance. I spoke with Dave D’Amico this afternoon – he said that he had signed the plan with the 3 foot depth

Susy – I want to get clarification on what Dave D’Amico agreed to.

Andy Rodenhiser – I want Paul Carter to indicate that this original plan July 12, 2007 is OK. We will go thru a winter season and make sure that it works

Paul Carter – I can’t think that there is another way

Karyl Spiller-Walsh – I am not comfortable with doing it at 3 feet

Bob Tucker – I don’t have a concern – proviso that if it doesn’t work, he understands he will have to fix it next spring

Greg Whelan – if this doesn’t work, and Dave Faist believes it will, we understand that we will have to put in subdrains on either side – that is the next step

Paul Carter – the groundwater is following the sewer trench – if this doesn’t work, then they will have to do something else

Greg Whelan – we have been working on the reconstruction of 37 BAF Road – retention pond – I have pictures to show what has been done

Andy Rodenhiser – the catch basin at the end of BAF Road, is that on the punch list?

Greg Whelan – yes

Greg Whelan – all the reconstruction of the retention pond at 37 BAF Road is complete – we are preparing as-builts and will submit - planting and landscaping is set for 9/19 thru 9/21. Fasolino will completely plant and hydroseed - there may be some safety grates that will still need to be completed

Paul Carter – I have some construction inspection reports from last week’s work up there

Andy Rodenhiser – you will have Paul Carter out to inspect the landscaping?

Greg Whelan – the Streifers are on top of that 100% - all these plantings were not asked for by the town

Andy Rodenhiser – whatever shows on the plan we are responsible for – when it is all done, have Paul Carter go out and do a final inspection on the retention pond work

Greg Whelan – we are hoping to do the repairs to 4 catch basins on BAF road – I plan to do it on this Friday . . . I have made calls to people who are going to do it within this time frame - things that are on Paul's list – repair swale at beginning of BAF Road – similar to how it is being done at Hartney – Paul Carter will inspect . . .

New date. . . October 12th for completion

Ted Cannon – As part of that list, there were some requirements to record the easement change that was

Ted Cannon – The registry will not accept a paper plan to be recorded . . . we will give you a Mylar to resign

AGREED that board members would come in to resign the easement plan

Ted Cannon – overall time frame, we expect to be put on the agenda for your October 16th meeting – right now there are 4 phases to the project (both CV Estates and Broad Acres) we will ask for a bond reduction and leave \$35,000 per phase . . .

Greg Whelan – I am working diligently on the list

Andy Rodenhiser – I am glad you are working to get it done . . .

Paul Carter – when are you going to submit the revised as-builts for the detention pond?

Greg Whelan – Dave Faist will be working on it – end of this week or early next week to get to Paul Carter – he will email them to you . . .

Paul Carter – what about the revised as-built plans for the subdivision?

Greg Whelan – Paul DeSimone is working on those – I will commit to having those by October 12th . . .

John Schroeder – will we need to have the as-builts to Paul Carter so he can deal with everything before the October 16 mtg.

Paul Carter – so they need to be submitted by the end of September

Ted Cannon – so we will look for September 28th to submit the as-built plans

Bob Tucker – or it won't take place on October 16 and it will be pushed out . . .

Greg Whelan – Paul DeSimone says he hasn't started to draw the as-builts for phase 3

Paul Carter – you were going to get me a copy of the Sewer/Water letter?

NOTE – Susy, give Paul Carter a copy of Sewer/Water letter.

Greg Whelan – I talked to Jimmie Smith today, he will go up there and check things and get a letter from them . . .

Greg Whelan – I have photos of what has been done up there at the retention pond. . .

Paul Carter – Here is the CO report for – 8/29 and then 9/7/07 with Mark Louro present.
Another CO report is forthcoming

Paul Carter leaves at 9:20 p.m.

Master Plan Progress Report

Andy Rodenhiser – we met with Water/Sewer Board, ConCom, CPC, and Assessors to look at progress on implementing the 1999 ACTION ITEMS . . . I will speak with the TA about putting together a Master Plan update committee and how to proceed with that. . Reaching out to the boards and ask them to look at them from today's perspective –

NOTE - Jim Wieler joins the meeting for a discussion on the PB action items

Andy Rodenhiser – we would like to reformulate the group and go before the BOS and TA and seek permission to proceed to get something going

Jim Wieler – I think it is in the PB statute that it is responsibility of the PB to handle – just let them know what you are doing –

Andy Rodenhiser – there will be some funding needed

Andy Rodenhiser – perhaps we can get the Milford Daily News to print it like last time

Andy Rodenhiser - We also have our own issues to look at as to what we have accomplished

Jim Wieler – so you are starting the process for an update

Andy Rodenhiser – We have talked about it with the BOS, there is general support to do so –

Jim Wieler – there is certainly a lot to be said from having been down the path before – one of our first meetings was with the planner in Franklin at the time

Andy Rodenhiser – I don't think it will be as monumental a task to update it as there was when it was first put together – each of us has gotten a copy of the plan and we use it as a tool to see where we go

NOTE – the board conducted a lengthy review of all the master plan ACTION items originally assigned to the Planning Board

Question on whether to conduct a new citizen's survey

Gino Carlucci – there are services that can do this and on-line –

Jim Wieler - 1997/1998 master plan survey was sent out with the annual census done by the town clerk's office – keep it simple, good to have a small budget – we did an open forum, cable 8 thing; a lot of community outreach . . . 18 people on the committee – had every board represented plus two citizens at large . . .

Andy Rodenhiser - thanks for taking the time to be with us tonight

Jim Wieler – it is time for an update – how one goes about this is what needs to be discussed – any idea of time frame?

Chan Rogers – I would caution putting this ahead of our zoning plan for spring 2008 town meeting –

Andy Rodenhiser– what would be important for us to do is to convene a group of people to start to work with this

Jim Wieler – we didn't have the rapport back then with the PB – the master plan was advocated by Citizens for Planning and Growth – it came from outside town government – and was put forth as a warrant article at a town meeting to establish a master plan committee

Jim Wieler – on the list of good things happening – The Upper Charles land trust voted to accept the gift from the Hoag family 15.5 acres as permanent conversation land –

NOTE - Jim leaves at 10:45 pm –

51 Alder Street Site Plan Modification –VERIZON WORK CENTER

Susy – The plans have been revised per the decision. The 20 day appeal period has expired and no appeal was filed.

A motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers to endorse the 51 Alder Street Site Plan Modification, prepared by Meridian Associates, dated June 30, 2007, last revised August 28, 2007. All yes. Approved.

Andy Rodenhiser – ConCom mentioned that they would like to see a sign re: snow storage away from wetlands

The Plans presented for endorsement were reviewed by Gino Carlucci – A-OK to sign . . . The plans were signed.

Endorsement - Senior Center site plan modification

Susy – It is not quite ready for endorsement.

Committee Reports

John Schroeder – **CPC** – Andy attended the meeting last night with CPC. It was very enlightening to discuss master plan actions – realization that we really need an Open Space Committee – I would suggest that the PB establish it - model after how we function with the DRC . . .

Karyl Spiller-Walsh – one thing that was a concern to me at last night's **DRC** meeting – we had an informal presentation from John Pucillo of White Hen Pantry – they are looking at renting the new retail space under construction next to Restaurant 45 – they discussed store hours – they want to be open until 1 am – there is no limitation in the site plan decision for Restaurant 45 addition re: store hours – we approved the addition of the retail space with concern about impact on neighbors – the applicant said traffic and parking for the new retail space would be during hours when restaurant was not at its peak – we were all very comfortable with that

John Schroeder – restaurant 45 has no incentive to lose its parking . . .

Bob Tucker – do they need any other permits?

Susy – BOS for certain licenses

NOTE – Susy distributed copies of an email thread of communications with John Pucillo documenting their questions on signage, store hours, etc.

Andy Rodenhiser – We received a letter from a neighbor on Little Tree Road concerned about construction occurring at night at the Restaurant 45 site. The letter included photographs. Mark Smith called us yesterday - has assured us that this won't happen again . . . He had not been aware that the contractor was doing any work at night.

NOTE - Susy to draft a response letter to the abutter

Karyl Spiller-Walsh – Also . . . we have members of the DRC that are not visually trained people who are making decisions - these are the new members . . . the person from Business Council and IDC - they aren't really people who have visual training – there were questions by some DRC members about comments made by these new people at our meeting last night . . . maybe it would be good for these two people – we need constant check ups on what is allowed

Chan Rogers – what is a visually trained person?

Karyl Spiller-Walsh – architecture, art history, graphics, communication,

John Schroeder – design also means function and not just visual – perhaps these other members can serve from the functional perspective

Karyl Spiller-Walsh – design follows function . . .

Andy Rodenhiser – we need to acknowledge the service of Katie Tortorello who has served on the DRC – She has resigned her position due to family commitments – we want to thank her – her contributions will be missed – so we are looking for a replacement for Katie . . .

Karyl Spiller-Walsh – we hope that Matt ????? will decide to become involved.

Chan Rogers – **SWAP** news - Metro Futures program next Wednesday, September 26th in the evening . . . in Topsfield

SWAP meeting – next week in Franklin – discussion on 43D and Senator Karen Spilka's proposal for a new regional planning agency along route 495, separate from MAPC

Andy Rodenhiser – what is the status of her proposal

Gino Carlucci – the plus side, is that it may make MAPC give us some more attention . . .

OTHER BUSINESS

Susy distributed the most recent Financial Report on PB expenditures thru 8/31/07

495 MetroWest Corridor Partnership – new initiative with UMASS on Green Infrastructure

John Schroeder – I see a bunch of things in here . . . possibly tie to an open space plan – ideas of taking grey water from sewage treatment plant and redirecting it

Karyl Spiller-Walsh – how to incorporate agricultural preservation in with all this . . .

NOTE – Board agreed to go ahead and submit an application - Gino Carlucci to help put something together – Board authorized Andy Rodenhiser submit on its behalf. Applications due September 25th.

Susy distributed list of computer classes the town is offering employees.

Planning Board Meeting Minutes

Motion by Chan Rogers, seconded by Bob Tucker to approve PB meeting minutes for July 31 and August 21, 2007. All yes. APPROVED.

Motion by Chan Rogers, seconded by Karyl Spiller-Walsh to adjourn the meeting. All Yes. APPROVED.

The meeting was adjourned at 11:25 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

***Minutes of the September 25th, 2007 Planning Board Meeting
Medway Town Hall – 155 Village Street
Medway, MA***

PRESENT: Chan Rogers, Bob Tucker, John Schroeder; Karyl Spiller-Walsh; Andy Rodenhiser

ALSO PRESENT: Gino Carlucci Carlucci, PGC Associates; Susy Affleck-Childs, Planning Board Assistant

Meeting called to order at 7:06 p.m.

CITIZEN COMMENTS - None

PUBLIC HEARING – Proposed Design Review Guidelines

Dan Hooper, Design Review Committee
Mickee Whitney, Design Review Committee

Dan Hooper – DRC Chairman Gary Jacob is running late.

Andy Rodenhiser – Anything that merits discussion?

Dan Hooper – This being the first crack at it. . I think it would behoove us to see the bigger picture and how this can work well as it is and seek to endeavor to change it over time.

Andy Rodenhiser – Any plans to add graphics?

Dan Hooper – The DRC is compiling a photo archive that would lend itself to this very well – related to general issues of design in town – site, architectural – we hope to have some graphic representation photos or illustrations

Andy Rodenhiser – Communicating with a picture is so effective.

Karyl Spiller-Walsh – Susy sent us Acton's design guidelines – it has a lot of pictures they used to reference good examples – bit the photos were lacking in not being a good well composed photograph – I think hasty imaging is not what we are looking for but something that is a better quality

Dan Hooper– A timeline might be something to talk about for a next phase – annual?? We did a lot of work leading up to here – detailing information over time.

Bob Tucker – I would think that where you are, once it is issued, you may want to do it on an annual basis, collect changes for edits – once you have worked with it some more, then stretch it out for a couple of years

Andy Rodenhiser – If you get some done and you want us to have a public hearing just let us know - let's just do it when it needs changes.

Dan Hooper – With the bottle cap lots project, there may need to be an additional section for that area.

Dan Hooper – Maybe add something on buffers for industrial areas.

Karyl Spiller-Walsh – We always seem to find things by default, we bump into them. That is how these concepts are born.

Dan Hooper – It is difficult to articulate for the town what design direction we seek.

Dan Hooper – The key word is guidance.

Andy Rodenhiser – I like how you reference the master plan.

Bob Tucker – As you look ahead to future editions, bring in a focus on GREEN design – let's get in at the forefront and try to prompt engineers and architects to consider this - more forward on this with all aspects of design guidelines . . .

Andy Rodenhiser – I know Karyl Spiller-Walsh is concerned about ponding and swaling around buildings.

Karyl Spiller-Walsh – It is always about getting in as many units as possible – my concern is the numbers on stormwater management –

John Schroeder – I think it is easy to follow; get into the sections appropriately – I deal with design every day – I am a big believer in illustration of some kind to make a point.

Karyl Spiller-Walsh – The illustration or photograph is very powerful – people take it literally – be careful of what you show – people will take that frame of reference literally

Dan Hooper – This is a launching pad – it was an exercise for us – it took us a couple of years.

Karyl Spiller-Walsh – Some applicants come in to the DRC extremely visually astute – the landscape architect for Daniels Village – he gets it . . . but other people come in whether they are astute or they are playing dumb, they dig in their heels – not all of them get it

Dan Hooper – This is the framework of something. We will need another long session or phase to add graphics and illustrations

Karyl Spiller-Walsh - We have a massive amount of photographs we have taken – I think it will be easy to incorporate some graphics

Dan Hooper – what kind of output – Web? Handout?

Andy Rodenhiser – color on line/web; free black and white as a handout

Chan Rogers – page 1 - paragraph 2 – you list places where it is going to be used – I would suggest removing reference to subdivision – I think it is illegal

Dan Hooper – Even when it is noted that the DRC functions in an advisory capacity?

Gary Jacob – one of my thoughts is that one of the things we could advise on is for the PB to look at narrower streets to consider alternatives

Andy Rodenhiser – the very first sentence – the DRC is a subcommittee of the PB providing advice – we look to the DRC for input on aesthetic issues –

Mickee Whitney – the key word, is upon request – if you don't request, we don't advise

Karyl Spiller-Walsh – are we revisiting something that has already been rehashed – haven't we already looked into this issue

Andy Rodenhiser – Chan Rogers is raising his objection as it pertains to subdivisions

Chan Rogers – page 3 . . . next to last line of first big paragraph – “something is “still present” - recommend delete “still” –

Gary Jacob – this is meant as an active statement – “still present” infers that some have disappeared – we are trying to slow down the destruction of important historic resources

Mickee Whitney – How about where “historic mill structures remain”?

Chan Rogers – page 4 – under parking discussion – “parked cars deaden space” – that is rather bold and profound – the thing that bugs me is that every vacant lot on Main Street is used to market cars – I think it is awful to see cars with “for sale” signs. What does this mean?

Gary Jacob – the idea is a car is a piece of equipment – lots of cars parked, on blacktop – just deadens the space

Susy Affleck-Childs – the concern is about a mass of blacktop for parking with no trees

Gary Jacob – easy access issues – we are viewing it from a retailer's perspective

Gary Jacob – when you were working on the AUOD bylaw – we recommended parking in back -

Dan Hooper – That phrase doesn't need to be there –

Andy Rodenhiser – OK, let's delete it

AGREED

Chan Rogers – page 5 top paragraph, left hand side – “cues of scale from New England residential architectural”. What does that mean?

Gary Jacob – It means take a hint from

Chan Rogers – don't make it a mystery, statement should tell people what to do

Susy Affleck-Childs – How about “Take your cues from the scale of New England residential architecture”

Karyl Spiller-Walsh – We want building to look as though they are indigenous

Bob Tucker – You could delete the entire sentence

Andy Rodenhiser – “The scale of New England residential architecture should inspire the design and architecture. “

Agreed

Chan Rogers – page 6 – what are you trying to say?

Gary Jacob – we are saying that new construction needs to incorporate some traditional design elements

John Schroeder – What about using the word contemporary instead of modern?

Dan Hooper– let's go back to the previous guidelines - it references New Englanders – if we are concerned about that phrase – so let's edit from there –

Andy Rodenhiser – I think the guideline is fine. . it is the Discussion section that has the problem – you are suggesting they draw from the past

“Elements from the past should be incorporated into new designs”

Karyl Spiller-Walsh – We are looking for specific flavor of New England – specific qualities that should reappear even in small elements – we like those New England qualities – that is good

John Schroeder - New England architecture can be appropriate to our time using elements from historical design tradition.

Chan Rogers – in the discussion on stormwater management - - STEEL (not STEAL) culverts – I don't like the idea of reducing steel – but as long as you are referring to non structural

Chan Rogers – page 12 – signs – window signs – on light sources – “Bare light bulbs should not be permitted” instead of “should not be exposed.”

John Schroeder – How about “bare light bulbs are discouraged.”

Chan Rogers – page 13 – things to avoid/discourage - “monument signs are much preferred” - delete that text.

Susy Affleck-Childs – Can we jazz up the cover in some way so it will look more compelling on line

Dan Hooper – I can play around with some images from our photo archives

Motion by Bob Tucker, seconded by Karyl Spiller-Walsh to accept the Design Guidelines as presented with the changes noted and with the inclusion of a cover graphic. All yes.
APPROVED.

Karyl Spiller-Walsh – I want to thank Dan. You have a wonderful of putting it all together –

Karyl Spiller-Walsh – We have a new associate member for the DRC, Matt Buckley. He will be great.

Gary Jacob – We will ask you to appoint him . . .

NOTE – Dan and Susy to finalize document to publish, distribute and post on web.

DISCUSSION of Zoning Ideas for Town Meeting

John Greene, owner of Medway Mill

Andy Rodenhiser – Where are we with the proposed mill conversion bylaw?

Gino Carlucci – There is a draft proposed bylaw in the Smart Growth Report – instead of doing it as a stand alone section of the zoning bylaw and since there is only one mill and it is in the AUOD, my suggestion is to incorporate these provisions for the mill site into the AUOD district provisions and to specifically identify the mill site to allow for residential uses

Gino Carlucci – right now, any site in the AUOD can do up to 2 residences – more is needed for the mill

John Schroeder – This would be allowed by right?

Gino Carlucci – No, by special permit via AUOD

John Schroeder – Subject to PB review.

Gino Carlucci – yes.

Andy Rodenhiser – We are moving to our discussion for articles we want to put forth at the next town meeting and next spring – another item we are looking at is to propose provisions for inclusionary zoning – that means there would be some requirements for affordable housing . . . that may affect you as we move forward – just keep that in the back of your mind

John Greene – on the site itself, one of my interests is to add something up on top of the mill building – with a nice mansard style roof configuration – how does the proposed zoning bylaw read – there are some metal buildings in the back –right now they are rented – is there anyway I can reuse those?

Gino Carlucci – the bylaw as drafted here would allow residential units on the mill site – so it could work both ways – the residences would not limited to the mill building itself

Karyl Spiller-Walsh – This is the kind of creative discussion which would be terribly beneficial to go to the DRC with. A concern I have is that some of those garages actually front the river??

John Greene – no, I am talking about the metal buildings.

Karyl Spiller-Walsh – the DRC would be very happy to talk with you – before you even latch onto an architect – use the river to your advantage . . .

Andy Rodenhiser – Yours is somewhat of a signature property in terms of its relationship to Choate Park

John Greene – I have been meeting with my neighbors to possibly buy that adjacent property (to the west) to improve access – I would like to add housing –one bedrooms and studios, maybe a couple of 2 bedrooms looking out on the river

Karyl Spiller-Walsh – real opportunity up there – it could be magnificent

Karyl Spiller-Walsh – I would support something like that – stone wall as you come in – I like your idea of widening the bridge over the waterway . . .

John Greene – I didn't renew the lease on the dumpster rentals – I think this would have support from a good number of people from the neighborhood

Bob Tucker – if you have the buffering and keep the lighting down

John Greene - there are 94 parking spaces – The idea would be for double use of parking – daytime for employees and nighttime for residents

Chan Rogers – do you mind if I come in there and wander around?

John Greene – yes, sure, please do.

Andy Rodenhiser - For moving forward on this. . could we work on this?

Gino Carlucci – I could do it by the next PB meeting - October 16th

SUSY AND GINO CARLUCCI to look at this for a fall 2007 town meeting

Bob Tucker – it would be good to meet with the DRC and get some of their ideas . . . they would be a good sounding board. .

John Greene – if the bylaw passes, then I would retain an architect to work with

Susy Affleck-Childs – if this moves forward, the PB will want to see a full site plan for this project, not just the building details

Karyl Spiller-Walsh – I would suggest you secure a decent architect to help you – they know about integrating design elements – more direct process –

Chan Rogers – we are certainly interested in working with you . . .

John Greene – I just wanted to reiterate my interest in all this . . .

Andy Rodenhiser – there will probably be one more meeting to discuss this and then we are obligated to have a public hearing on zoning bylaw amendments to discuss the warrant article

John Schroeder – would it be helpful for the developer to have a concept plan? How much would that cost?

Gino Carlucci – several thousand dollars.

John Schroeder – have you seen the concept plan for our Commercial 1 and 2 districts?

Karyl Spiller-Walsh – Where it would allow for mixed use and more housing, it would be helpful to have some concept elevations –

John Greene – wouldn't that be until I applied for my permit –

John Schroeder – you would absolutely have to have it then

Andy Rodenhiser – having a plan for what you are proposing it is helpful to have at the public hearings and town meeting

Gino Carlucci – we are talking about a concept plan here – it takes a 2/3 vote at town meeting to amend the zoning bylaw. Anything that would get people to say YES would be good

Andy Rodenhiser – not an engineered plan – but overall – aerial view

John Schroeder – 3-4 renderings to show people at the public hearing and at the town meeting

Andy Rodenhiser – people are inclined to vote no when they don't understand it -

Andy Rodenhiser – remember that the zoning is enabling. . .

John Greene – I am worried about my neighbors . . . they might be concerned about adding parking and housing

Susy Affleck-Childs – the PB would be the actual sponsor of the bylaw amendment

Andy Rodenhiser - we would go to FINCOM for their recommendation

Karyl Spiller-Walsh – have you been to ConCom yet?

John Greene – yes, they were excited about this

It was agreed to move forward with this ASAP

Discuss this on October 16th meeting

CAPITAL IMPROVEMENT PLAN

Andy Rodenhiser – The BOS and TA will be reconstituting the Capital Improvements Program Committee very shortly.

Andy Rodenhiser – We have been asked to put together a submission for the CIP for funding to update the master plan. When you read the guidelines for what constitutes a capital project, a master plan update doesn't really quite fit. Look at page 2 – what is a capital improvement? A master plan seems like a stretch.

Karyl Spiller-Walsh – I served as the Planning Board rep to the CIPC for 2-3 years before things really hit the fan in town. The number of requests from the departments in town were so many compared to those that actually received funding – it was a very frustrating process – to interview and tally the needs – trucks, and their descriptions, every fire engine and what was needed – it was so difficult and so little money to spend on anything – I can't imagine a master plan being funded – I can see it being washed aside

Andy Rodenhiser – I would suggest we look at this as a two track approach – we should also request money for this thru our regular budget

John Schroeder – it seems to me the master plan is way up here – the master plan should be guiding everything else – it guides us all

Andy Rodenhiser – We need to talk about this tonight. . I need some feedback – I do want to talk to Suzanne Kennedy about it – how do we feel about this? Do we want to pursue this thru the capital improvements plan?

Karyl Spiller-Walsh – if you want it to disappear, then put it in the capital improvements plan

Chan Rogers – how was the master plan done before?

Andy Rodenhiser – it was all volunteer effort that was done (1997/98)

Chan Rogers – That is amazing – how could it have been done without any professional assistance?

Andy Rodenhiser – the plan reflects what people wanted . . . there was a huge survey that a lot of people participated in

John Schroeder – I think the problems that Medway has had to a very large degree, are because there was no master plan before 1999 – the town grew . . . since 1999 and the master plan, some

tremendous progress has been made – I believe this is step one – this is the business plan – the 1999 plan worked well and now we need to take it to the next level to make it more effective – I think it is essential – you can't do anything without a plan

Bob Tucker – it is a business plan – I suspect if you look at the individuals that were involved at that time, they were all relatively established in business – I think there is a lot of experience there

Andy Rodenhiser – a lot of people were very passionate about it . . .

Gino Carlucci – I think the most important element of a master plan is the input from residents and what they want to do – you need professional advice also to incorporate state mandates or some of the new techniques that have come about but the key is the input from the residents – the 1999 plan had a tremendous amount of citizen input

Andy Rodenhiser – I remember the survey at the time – I was so psyched that the community asked me for input – I wasn't involved in anything with local government at the time – I was grateful for the opportunity to comment

John Schroeder – I am surprised that we don't have money in our budget every year to save up to do master plan updates

Andy Rodenhiser – Buzz Johnson thinks the master plan committee needs a rector to monitor progress on implementation – to function as a communicator of the document after it is done

Susy Affleck-Childs – some towns actually appoint a master plan implementation committee to do exactly that.

Chan Rogers – our top priority each year should be to move the master plan ahead – we have our on-going work that is thrown at us – I am concerned that we didn't have professional advice on the present master plan. We are learning that big lot zoning isn't the answer –

John Schroeder - I agree, but I am still back on the importance of the master plan – as a member of the PB or any elected board, how do I know what the people want me to do?

Chan Rogers – We don't have our slate of zoning changes pinned down

Karyl Spiller-Walsh – we talked about this in the DRC last night, what is the community wants?

John Schroeder – for me to make decisions, I want to have the master plan to go on

Gino Carlucci – you need the blend of opinions with hard info on what is allowable – you have to have documentation to identify trends – you need the blend – the residents input is extremely important but not the sole guideline that you should go with

Bob Tucker – We started off talking about the need to update the master plan – and how inexpensively it was done before – I think we have digressed a bit from what we started talking about – part of what we are talking about is getting some budget to hire professional help to work

with a committee – we are looking at a core group of people coming back or getting involved to develop a new master plan – I am not sure why we are digressing re: the quality of the master plan we have now – that is history – let's go forward – and what are we looking for in this budget is some professional help – administrative help, printing costs – plus all the time volunteers are putting in this – we are going forward to make changes and improvements that are needed to have a more accurate and definitive master plan

Andy Rodenhiser – the Government Study Committee is probably going to recommend a broader planning and economic development board with a bigger focus on coordinating planning functions with permitting so things can get done better and quicker – and with the incorporation of economic development

Chan Rogers – this is one of our biggest needs. . there are a lot of actual constraints that exist in the planning world that people don't understand – we can't just listen to what citizens want and do them all

John Schroeder – the first master plan did come from the people; we need to be careful if we get involved that we don't skew it too much toward what the PB wants

Andy Rodenhiser – we will hire a planning consultant to assist the group – leave it in our own community – I frankly think if the PB takes our cues from the master plan, our influence over it should be minimal – it is better to hear what constituents say and then have a professional hammer it into the kind of document that is legal and helpful taking into consideration what the public has said.

Karyl Spiller-Walsh – I think the PB is a good example, we have taken our direction from the master plan with rules and regs and zoning – at what point does a plan become archaic?

Andy Rodenhiser – what are the next things to work on? There are new people in the community – is planning the same now as it was in 1999 – whole concept of smart growth wasn't in place in 1999

Karyl Spiller-Walsh – what does Medway need?

Chan Rogers – when I was in Dover, we did a survey – I just want to make sure we have some professional assistance

Andy Rodenhiser – that is all we have been saying. .

Andy Rodenhiser – should it go to the CIP process?

NO – from everybody. . . . bring it into the regular budget process . . .

Discussion on Reestablishing the Open Space Committee

John Schroeder – Susy put together a stack of information for me – a lot of things have been done – Gino Carlucci did some work (2004) – I just want to point out a few things - when we talk about a new master plan and new goals, I look at the Charles River and there is no water

flowing over the dam at the Sanford mill – water may be a new goal for the master plan – I think open space will be as well – the best info that I thought I could pass out to you is something from the Town of West Bridgewater's open space committee – nice summary of what they do – I would like Medway to reestablish this committee and have it operate under the PB like the DRC functions

Andy Rodenhiser – I did speak to Eleanor Moreland on the Government Study Commission – they are recommending that all land use and zoning stuff fall under the PB itself – this would be something that would be in concert with what they are recommending - and all staff people would report to the Town Administrator

John Schroeder – Look at the mission statement from West Bridgewater –

John Schroeder – Medway had a certified open space plan (1996) but it expired – that would need to be the first goal of a new open space committee, to get it updated

Andy Rodenhiser – if you don't have an open space plan, you aren't eligible for state funds

John Schroeder – the CPC is a recommending body – they need info to make decisions - here is some information from Franklin's Open Space Committee – list of open space, where it is, who owns it, gives everyone the info they need to make decisions about a particular parcel – An open space plan could guide all of the boards –

Andy Rodenhiser – would you feel comfortable heading this up?

John Schroeder – I would have to think about it – I feel pretty passionate about it – we need to preserve open space in our community

Karyl Spiller-Walsh – FYI . . . I understand that the property at 50 Winthrop Street where we recently endorsed the ANR lots are listed for sale – that is what I heard . . .

Andy Rodenhiser – I am in favor of supporting an open space committee

Bob Tucker – I would be in support of establishing an open space committee in a similar manner to how the DRC operates with the PB

Karyl Spiller-Walsh – can we do that?

Susy Affleck-Childs – used to be that the OS committee was appointed by the BOS

Karyl Spiller-Walsh – I don't understand why the OS Committee isn't linked to the CPC

Andy Rodenhiser – when I was talking to Mark Cerel, chairman of CPC, he said they function more as a funder -

John Schroeder – their role is to administer the CPC funds – they are guided by statute – they are there to facilitate the purchase of open space – we need a committee to be an advocate for open space

Karyl Spiller-Walsh – need to establish priorities among open space parcels

Andy Rodenhiser – John, can you put something together on composition of an open space committee for our next meeting on October 16th

Karyl Spiller-Walsh – key properties – it is all about money

ZONING DISCUSSION – ideas for future zoning by law amendments –

Refer to handout dated 9/21/07

Parking Idea – to base parking requirements on gross retail area and not include storage areas

Bob Tucker – I wouldn't want to pursue this without more information

Andy Rodenhiser – Gino, what are the issues here?

Gino Carlucci – if I remember correctly, taken as a whole I believe that the shopping area does not have as much parking as the zoning bylaw requires – it is pretty common to have parking based on useable area vs. all areas – it is most crowded up there in front of Condons Hardware and Ocean State Job Lot – in that case – you have to weigh against vast areas that are vacant and impervious surfaces – I can get you those figures

Andy Rodenhiser – Bring it in on October 16

Andy Rodenhiser – Medway Commons has plenty of parking

USE TABLE

Andy Rodenhiser — Gino, what is this all about?

Gino Carlucci – most towns in their zoning bylaw have a chart that lists out uses by zone – allowed, not allowed - ours is described in each district – all in text format – very difficult procedurally to find out what you can do – a table wouldn't change what is allowed

Andy Rodenhiser – October 16th – let's discuss this more . . .

Affordable Housing – infill on undersized lots

Susy Affleck-Childs – This is an idea that we learned about when we had our little affordable housing study group a couple of years ago. The idea is to allow houses to be built on vacant parcels that don't meet current zoning standards (22,500 sq. ft in AR2 and 150 feet of frontage) but are compatible with adjacent parcels in the neighborhood. The homes would be specifically affordable. Do it by special permit

Karyl Spiller-Walsh – ideally, it sounds like a good opportunity but we need to play devil's advocate

John Schroeder – if you live in those neighborhoods, you already have a different perspective about density

Bob Tucker – before we could put together a proposed amendment, I would need to have the criteria established – how that would be implemented – what would be considered and – idea is good but we need the details

Karyl Spiller-Walsh – interesting but not sure it is good . . .

John – it is of course preferable to have affordable housing scattered throughout the community

Infill – hold off . . .

Andy – How important is this on a scale of 1 to 3 with 3 being highest?

Karyl Spiller-Walsh – 2

John Schroeder - 3

Andy Rodenhiser – 2. I need more information

Gino Carlucci – I could prepare a map that shows the lots that are not conforming –

AGREED - Maybe do for May annual town meeting -

Neighborhood Conservation District

Andy – this would be enabling – to allow a neighborhood to establish its own criteria – size and scale of properties – maybe form based language that might be written to preserve the character of the neighborhood

Karyl Spiller-Walsh – we were talking about that before - sort of an association

Bob Tucker – what about the people in the neighborhood that wouldn't want to participate?

Gino Carlucci – The way it was proposed in Lincoln – it did not pass there - a majority vote of the neighborhood – you could set it up anyway you wanted

Andy Rodenhiser – where does the definition of neighborhood start and end?

Gino Carlucci - minimum area or # of contiguous lots – however the neighbors could get together and decide

Karyl Spiller-Walsh – does that become an overlay that goes with the land?

Gino Carlucci – Cambridge, Brookline, Amesbury, Wellesley,

Karyl Spiller-Walsh – it would be interesting to see a case study – that might be a good way – what are advantages and disadvantages?

Gino Carlucci – one of the towns – there was a promotional piece that was in favor of it that I came across – I will try to find that

Andy Rodenhiser – maybe we back burner this . . .

Chan Rogers – I would suggest that it be an issue that we let the public bring to us rather than we be the initiator – it appears to me to be the kind of thing that would be obvious – I don't see where it could be used in Medway –

Andy Rodenhiser – The people of Brentwood or John's neighborhood might want to create a neighborhood conservation district –

John Schroeder – I am concerned is that the need is going to show itself when somebody comes in with a bulldozer and knocks down a couple of houses and puts up a big McMansion

Andy Rodenhiser – it happens in Needham

Gino Carlucci – it can happen a single lot at a time. .

Andy Rodenhiser – Chan is suggesting we ignore it. John, what do you feel?

John Schroeder – I am biased, I could see doing this myself – but I can't consider it would be a high priority for us right now –

Bob Tucker – I would back burner it at this point

Rezoning Contaminated Lands

Andy Rodenhiser – is that a low priority? I think we need to develop a list – maybe at some point, forming a subcommittee to look at that issue

Commercial III and IV – Strengthen Village characteristics –

John Schroeder – I would rank this a 2

AGREED to hold off

Consolidate commercial I and II

Andy Rodenhiser - that is an easy one

AGREED to pursue now

Gino Carlucci – do that on its own or in conjunction with the proposed overlay

Andy - Gino, can you do that one too?

East Main Street/Route 109

Andy – Have we heard from those neighbors?

Susy Affleck-Childs – they have not been in touch, but we had suggested they could do something via a traditional neighborhood development overlay if that passes

AGREED - level #1, low priority until we hear from the neighbors

Oak Grove/Bottle Cap Lots

Andy Rodenhiser - nothing we can do right away. Assessors are moving forward with the research – Registry of Deeds – found a 1920 plan – thousands of tiny lots – they are working to track the ownership – they have a spread sheet built that is voluminous – amazing what they have been doing – that will be handed off to town counsel to do title research to minimize work and effort - tax title stuff is being pursued by the treasurer's office

Andy Rodenhiser – we did meet with Mass Development for some technical assistance to move forward

Chan Rogers – what is the accumulated acreage?

Andy Rodenhiser – 35-38 acres - it is continuing and not really ripe enough for us to pick yet

Chan Rogers – if the town sold it, it would be several million dollars . . .

Commercial I and II/Town Center Overlay

Andy Rodenhiser – Gino and meeting tomorrow with Diversified Properties (owners of Medway Shopping Center) – we are looking for support from the Diversified folks so we can proceed to town meeting

SIGNS - illuminated awnings

Chan Rogers – 3

Karyl Spiller-Walsh – 3

Bob Tucker – OK

Andy Rodenhiser - definitely need to incorporate the business council –

ARI to Industrial I (east side of town)

Andy Rodenhiser - on hold until the new well is completed

Route 126/Bellingham

Andy Rodenhiser – we were not successful in getting a technical assistance contract with MAPC

Bob Tucker – maybe target this toward May
Andy Rodenhiser – we need to do the feasibility
Bob Tucker – based on finances it goes to a 1

Mill Conversion

AGREED – yes for fall town meeting

Affordable Housing/Inclusionary Zoning

Andy Rodenhiser – it would make a requirement for any developer to have to include some affordable

Karyl Spiller-Walsh – options for providing it off site. . rehab, land,

John Schroeder – or pay into an affordable housing trust fund –

Andy Rodenhiser – if you are going to undertake something like this, the best time to do it is now – if you provide the on site and off site or payment options – what we are really concerned about getting affordable units built – the other concern I would have is to end up with high concentrations in some neighborhoods if off-site is allowed –

Bob Tucker – I am not convinced a housing fund is a good idea – that would require that prevailing wages would be paid

Chan Rogers – what are we reacting to?

Andy Rodenhiser – we are trying to plan and provide affordable housing

John Schroeder – we want to have affordable housing in our community –

Andy Rodenhiser – could use money in the fund as a buy down on the unit and then have a permanent deed restriction

John Schroeder – in addition, the CPA funds can be used for affordable housing as well – the CPC is interested in ownership affordable housing vs. rental –

John Schroeder – can we talk about the percentage? Doesn't 10% just help us hold our own?

Karyl Spiller-Walsh – it is about the magic number. Very difficult to produce this – we are trying to do quality projects and quality mitigations – new concepts for the town – it is hard to ask for everything –

Andy Rodenhiser – what would be the break point in the # of units to trigger affordability?

Susy Affleck-Childs – I have since 6 units as the triggering number in many bylaws

Karyl Spiller-Walsh – everything we have been working towards since 1999 – needs to continue improving –

Andy Rodenhiser – not everything is design

Karyl Spiller-Walsh – quality project – I don't want to see us go backwards

John Schroeder – if we raise it to 12% but give them more options for how they can provide the affordable – that might offset the additional expense

Karyl Spiller-Walsh – everybody is struggling with their already approved plans . . . I am talking about anyone who comes in with a new proposal today – will they look at it as a more extreme hardship than they did a few years ago – let's not let our standards slide – something has to give – it serves to put a moratorium on building by lack of profit motive

John Schroeder – I say it is a 3 and we should work on it

Chan Rogers – We should do it – 12%

Karyl Spiller-Walsh – I do not like 12%

AGREED – to move forward with it.

Affordable Housing Trust Fund

AGREED - maybe look at May

Establish a standard parking space size

Andy - seems like something easy to do

Susy Affleck-Childs – right now the zoning bylaw does not have anything in it. With site plans, we have been approving 9' x 18' spaces

Buffer Zones

AGREED - let's back burner this

Business Hours

Andy Rodenhiser - I will talk to BOS and legal counsel to see how to pursue this. .

Gino Carlucci – if it is a general bylaw, there is not the grandfathering like there is with zoning – it would apply to all businesses

Bob Tucker – we have the responsibility to raise the question and

Karyl Spiller-Walsh – 3, let's do ASAP

Lighting/Glare Standards

Bob Tucker – I would say yes on that . . .

Invoices

\$2,625 to PGC for work 43D Expedited Permitting project. Motion to approve by Bob Tucker, seconded by Chan Rogers. All YES. APPROVED.

Committee Reports

Karyl Spiller-Walsh – the DRC needs a projector to use at our meetings – Dan Hooper is looking into this

Andy Rodenhiser – I expect there may be dollars from Comcast and Verizon for something like that

Other Business

Distributed interim report from Gino Carlucci on the *43D project*

Andy Rodenhiser - Susy has been taking notes on the software discussions – those notes are available if anybody wants to see them – we have been distributing out to attendees – I think we are trying to communicate very well

Bob Tucker – are you on schedule?

Gino Carlucci – no, but. . . so much interaction is necessary on the software discussions – we are now obligated to issue a permit in 180 days if Cybex came in with an application – we are spending a lot of time on reviewing the software – we have a new schedule –

Bob Tucker – you are not meeting your original schedule? Does it have an impact?

Gino Carlucci – no impact until when Cybex is ready to apply. . . we don't expect that until first quarter 2008

Andy Rodenhiser – the impact of having retarded the process will result in a more positive outcome – I would think it is unrealistic for most of the people/towns participating in the 43D program to get it all done in 120 days . . . getting the buy in is so critical

Bob Tucker – I don't have a problem as long as it doesn't impact us . . . when it will impact us – we want to be done before then. I come from the perspective that if you have a deadline, you put more people on to get the job done.

Gino Carlucci – according to the Mass Development people, we are pretty much ahead of everybody else

Country View Estates – Susy distributed reports from VHB as follows:

1. as-built plans for detention pond repair at 37 Broad Acres Farm Road
2. updated punch list for all Country View Estates work

The board signed the Mylars of the Retention Pond Repair Plans for 37 Broad Acres Farm Road.

Note - The PB had previously signed “paper” version of the plans which were not acceptable at the Registry of Deeds.

Construction Observation Reports - Tetra Tech Rizzo for Franklin Creek subdivision

Green Infrastructure Proposal - distributed a copy of letter that was prepared by Gino for Glenn Trindade/BOS to submit to the 495 MetroWest Partnership; it was submitted this week

Susy Affleck-Childs passed out sheets showing the *PB's new web pages* at townofmedway.org.

Motion by John Schroeder, seconded by Chan Rogers to adjourn. All YES. APPROVED.

The meeting was adjourned at 11:05 p.m.

Respectfully submitted,

Susy Affleck-Childs

Susan E. Affleck-Childs
Planning Board Assistant

Medway Planning Board Meeting Tuesday, October 16, 2007

MEMBERS PRESENT: Andy Rodenhiser, John Schroeder, Chan Rogers, Karyl Spiller-Walsh and Bob Tucker

ALSO PRESENT: Paul Carter, VHB; Gino Carlucci, PGC Associates; and Susy Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:06 p.m.

CITIZEN COMMENTS - None

Public Hearing Continuation – Betania II ARCPUD Special Permit

Andy Rodenhiser – This public hearing will be continued. The applicant did not submit the plan revisions in a timely manner to allow VHB enough time to review.

Paul Carter – We weren't able to complete the review in time for tonight. They last submitted just last week. Our review should be done by the end of the week

Andy Rodenhiser – I would like Paul to work with them until the details are finished. Our design is to work with the applicants to get all the comments addressed and then come to the PB.

Karyl Spiller-Walsh – I want to make sure that I get to see something while that is underway. Do we have what Paul is reviewing?

Susy Affleck-Childs – I do not.

It was agreed that the applicant should provide at least send two sets of what they send to VHB so that the office can have a copy that board members can look at.

John Schroeder – Can the board set a deadline for action?

Bob Tucker – I think we are at a point where we need to say that this is enough.

Andy Rodenhiser – We have two members who want to get off the board and are staying on just for this project.

Andy Rodenhiser – Gino, can we deny this project because of all the time delays?

Gino Carlucci – The applicant could challenge the decision but I assume they would resubmit. If people (PB members) left, they would have to resubmit.

John Schroeder – Could we communicate to them our frustration?

Andy Rodenhiser – I will call Rich Coppa and have a frank discussion with him.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to continue the public hearing on the Betania II ARCPUD Special Permit to Tuesday, October 30, 2007 at 7:15 pm. All YES. Motion approved.

Country View Estates Subdivision – Completion Status Report

Greg Whelan, Broad Acres Management
Ted Cannon, attorney

Andy Rodenhiser – Paul, in your October 12th letter re: as-built plans, you reference the 9-21-07 punch list.

Paul Carter – I have an update to the punch list for you tonight. I did an inspection in the field.

Andy Rodenhiser – So, it is October 16th. What needs to be done?

Paul Carter – The joints have been addressed. We have a letter re: the sewer from Water/Sewer

Greg Whelan – We have been working very closely on that with Jimmie Smith (DPS) over the past few weeks.

Andy Rodenhiser – Do you think by Oct 30th you will be done?

Greg Whelan – Yes, on both Paul Carter's and Jimmie Smith's lists.

Paul Carter – The catch basins were cleaned and the stormceptor out near Summer Street needs attention.

Greg Whelan – The town took the entryway of the road by eminent domain so all the work could be done by the state on Route 126. I don't feel I have any responsibility for that because I don't own it now. They widened the entryway off of route 126. There isn't any data that shows there is a problem there.

Andy Rodenhiser – Any problems in the first 50 feet?

Paul Carter – The stormceptor is in the first 50 feet and it needs a vac truck to clean it out.

Greg Whelan – It hasn't been opened up to even determine if there is an issue.

Andy Rodenhiser – Has vhb checked it?

Paul Carter – It was my understanding that Greg Whelan was going to clean it before the town took over the street.

Bob Tucker – The town should have known better.

Greg Whelan – I don't think there is an issue.

Andy Rodenhiser – It sounds like the town has taken the first 50 feet of the roadway.

Greg Whelan – I am assuming that when this is on the warrant for street acceptance (next spring) am I going to have to do this all over again?

Andy Rodenhiser – I wouldn't think so.

Greg Whelan – I did have a truck out there and a jet sprayer. Let's let the stormceptor issue be handled with Jimmie this week

Andy Rodenhiser – OK, that is fair.

Paul Carter – The next item is re: installing a riser pipe between the forebay and detention basin in this location between CB 10 and 11. Greg Whelan says it was not something he agreed to, that it was not part of original design. Greg said he would submit a letter from an abutter re: whether there was a problem or not.

Greg Whelan – This all reverts back to Mark Louro's punch list from 2005. When we were all out there in September (Paul Carter, Mark Louro and me), Mark felt as though if there had not been a problem it was probably ok. Mark has agreed that it has functioned for 6-7 years without a problem. He had been concerned with excessive water conditions and that the spillway would not work. I spoke to the abutter; he has never had a problem since they moved in.

Andy Rodenhiser – Is it OK?

Paul Carter – It appears to be consistent with the approved plan. The question is how quickly does the water go down?

John Schroeder – Was it in the approved plan?

Greg Whelan – Greg, Mike Perrault (PMP Associates, the Planning Board's former consulting engineer before VHB) wanted it in. We have never even had a call about this.

Karyl Spiller-Walsh – Paul, what about the comments on your October 12th letter re pond 30?

Andy Rodenhiser – We are on the Oct 16 letter right now – the punch list.

Bob Tucker – Item #10 re as-built plan, is it addressed or not?

Paul Carter – The question is whether the relief pipe is something the board wants to require.

Karyl Spiller-Walsh – Why did Mark feel it was necessary?

Paul Carter - So water would drain out faster so there isn't any standing water in the forebay.

Greg Whelan – At that time, re the detention pond in the cul de sac, we had complaints from the abutter. Mark thought it would help on this one. But we have never had any complaints on the other end.

Paul Carter – So is the Board comfortable with not requiring the riser?

Bob Tucker – I go after people when things are partially addressed. Let's clear that one out.

Greg Whelan – I think there are a lot of issues that say partially addressed that are really done

Paul Carter – About #14.

Greg Whelan – We will go ahead and do it now. We have prepared a deed to give this area to the Town.

Paul Carter – Susy, please forward a copy of the deed to me?

Susy Affleck-Childs – Will do.

Paul Carter – So the board is OK with this?

Andy Rodenhiser – Yes.

Paul Carter - #17 re: signs. They are still missing two out on summer street. Those still need to be installed.

Andy Rodenhiser – Oct 30th?

Greg Whelan – Yes.

Paul Carter – Also raise all the stop signs.

Greg Whelan – I can handle all that.

Paul Carter - #19. The existing stone wall that shows on the plan that was removed. The plan did not specifically call out to retain the wall.

Greg Whelan – The sidewalk went right to the lot line. The stone wall had to be removed. This was a comment back from Mark looked at this. There is nothing in the plan that says the wall should be retained.

Paul Carter – The plan didn't say that it would be removed.

Andy Rodenhiser – It is not practical to do anything at this point.

Greg Whelan – This is an issue that Mark created.

Andy Rodenhiser – OK to not address the stone wall?

AGREED.

Paul Carter - #20 – backflow check valves. The comment is to connect to the catch basin with the check valve.

Bob Tucker – If Greg Whelan is not responsible for putting them in then how can we do this? Greg Whelan didn't build the house. I don't see how we can hold his feet to the fire on this.

Paul Carter - #21 – Loam and seed areas. Everything looks like it has been stabilized.

Paul Carter - #23 – At this point the slopes are vegetated.

Greg Whelan – This is referring to the detention pond on the right. This comment is from 2 years ago. Mark agreed that it is stabilized.

Andy Rodenhiser – Does it make sense to disturb it?

NO - OK

Paul Carter – ADA comments?

Andy Rodenhiser –We will send the Disability Commission a letter and ask to hear from them by Oct 30. If not, we will assume it is OK

Paul Carter - #26 re: obtain certificate of compliance from CONCOM.

Greg Whelan – I did go to CONCOM but I don't have it yet. David Faist requested this over a year ago but I don't have it in hand. I will talk to CONCOM on 10/18.

Paul Carter - #28 re: as-built plans for the detention basins. I have reviewed that and it is fine. Greg Whelan did submit an as-built plan for the forebay which is consistent with the plan. However, in looking at the as-built plan for detention basin #10, it looks like the outlet inverts are slightly lower and overflow weir is slightly lower. You need to have David Faist do a comparison of the as-builts to the design volume and the function similar to what he did for detention basin #30. He needs to look at original drainage analysis.

Paul Carter - #30 goes back to the riser and equalizer. That is in here twice.

Paul Carter - #33 re: transformers in the junction boxes. There is location at 11 Broad Acres Farm Road. You need to cut that out and patch and backfill.

Greg Whelan – When we walked it with Mark, that isn't what we said we would do. But I will do it by October 30th.

Paul Carter – I don't want it to get any lower.

Paul Carter - #36. We are waiting for DPS letter.

Paul Carter - #38 - The detention basin repair has been completed (at the Streifer's property). I didn't get a chance to do a report based on my inspection. The planting is done, the grass is hydro seeded, the fence is in, and the safety grates were in when I was out there yesterday.

Greg Whelan – If we had had any cooperation with rain, it would be totally all in. At least with these last few rains, things have spurted up.

Paul Carter - #39 – The as-built doesn't indicate that there is silt. Jimmie talked to you about station 1+50?

Greg Whelan – Paul saw this yesterday. The first 4 catch basins fall to a swale on the right side of the road. We did dig out an area and cleaned out the silt.

Paul Carter – I noticed that the plan says there is to be a rip rap swale and a silt trap.

Greg Whelan – It will be done by Oct. 30th.

Paul Carter - #41 re: the berms at detention basin #10. They are stabilized but they are built at 2:1 instead of 3:1.

OK

Paul Carter - #48 refers to the Streifers pond. The slopes have been reconstructed and the loam and seed is in. The outlet into the pond needs to have some rip rap.

Greg Whelan – Which I did today.

Andy Rodenhiser – Has the sediment barrier/silt fence been done?

Greg Whelan – I did it today.

Andy Rodenhiser – The rest of the issues are related to the as-built plan.

Greg Whelan – I have the as-builts for Stable Way and provided them to Susy and Paul Carter tonight. Paul Desimone asked me to set up a time when he can get together with Paul and me to walk Stable Way and address any comments you have right there.

Paul Carter – I have to look at it first.

Greg Whelan – I would like to do that with the issues you have with the other as-built plans as well.

Paul Carter – Re: as-built plans for Broad acres Farm Road, there is a catch basin that wasn't installed.

Greg Whelan – I will take care of that. I just found out about it today. We know that the catch basin is there but the cover and riser were never put on. We will do that this week

Andy Rodenhiser – Paul, can you meet with Greg Whelan and Paul DeSimone?

Paul Carter – I need to review this first.

Andy Rodenhiser – It would be our expectation on October 30th to get this wrapped up.

Paul Carter – We will work toward that and meet him in the field and go from there.

Greg Whelan – I know Paul does have some issues on the Broad Acres Farm Road as-built plans.

Andy Rodenhiser – Please let Susy Affleck-Childs know when that meeting is set up. I will try to be there.

Andy Rodenhiser – I guess we will schedule some time for this at our October 30th meeting.

Greg Whelan – Will you address at all the bond reduction?

Ted Cannon – Greg Whelan would like \$68,700. The \$50,000 set aside as security for the detention pond repairs at the Streifers and the rest from Phase II. The sooner we can put it into motion, the better.

Greg Whelan – I have bills here to pay. This work has all been done. The work was completed on the pond. That \$50,000 that was left in to complete the work at 37 Broad Acres Farm Road.

Andy Rodenhiser – Is it the board's pleasure to entertain a reduction?

Greg Whelan – The retention area is 100% done and that is where the bills lie for me.

Andy Rodenhiser – Oct 12th is when you said it would be 100% complete.

Greg Whelan – I would like the \$50,000 that is specifically there for the retention area work.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to release \$50,000 from the Phase 3 bond account for Country View Estates. All yes. APPROVED.

Ted – We have an ANR plan for lot 18.

Greg – Let's hold on that tonight.

Andy Rodenhiser – Let's be serious about Oct 30th.

Greg Whelan – I don't see a problem.

Informal Discussion - Charles River Acres Open Space Development

Andy Rodenhiser – This site has received an OSRD special permit. The next step for them is to submit a definitive subdivision plan with the details.

John Parmentier, engineer - Dunn McKenzie
Kip Dirazonian, applicant - KDEE Realty

John Parmentier – Thanks for having us here to discuss this informally. On 9/26/06 you approved an open space special permit. At that time you voted that the project had merit and met conditions and you issued a number of conditions with the approval. So, before we went and developed a full definitive plan, we wanted to make sure we could meet the open space area requirements and not change the number of lots. Some of the things you asked us to do are represented on this conceptual definitive plan.

Neelon Lane would be extended about 140 and the rest of it would come down and connect to the cul de sac

Added a 40' right of way to the McDonald property.

We had to straighten out the road and we lobbed over the end of the cul de sac.

We took out lot 4's frontage on the cul de sac and made its frontage on Neelon Lane.

The number of lots stays the same. All the setbacks, etc. are maintained

The configuration of the basin – the calculations are shown on this document.

We actually have a bit more open space, about 1900 sq. ft more. We weren't allowed to include the Neelon Lane extension and emergency lane and the 40 foot right of way in the official open space area.

So I wanted to present this before I go into the full development of the definitive plan. We tried to meet all your conditions. We would like to hear any comment as we go toward the definitive plan.

Gino Carlucci – I had some comments on the way the open space is calculated. It turns out to be OK, but if you remember in the OSRD, only half of the wetlands can be included. the way they calculated it . . . (ASK GINO).. in the end it comes out OK.

Gino Carlucci – The other problem however, is that since this was done last year, town meeting amended the OSRD bylaw to subtract easement areas from the open space.

Bob Tucker – I know we changed the method of calculation, but wouldn't this plan come in under the old methodology?

Gino Carlucci – There is no freeze on special permits.

Chan Rogers – The main concern about easements was about utility easements and this is an underground issue

Bob Tucker – I don't think we made a differentiation.

Gino Carlucci – 50% of the land subject to any type of utility easement shall not count toward the open space.

John Parmentier – I can look at this, but we don't have too much to play with.

Gino Carlucci – Maybe if you slipped part of the easement onto a lot.

John Parmentier – It wouldn't work. I would have to bring it down between two houses.

John Schroeder – Are we going to be compromising the quality of the water line?

Andy Rodenhiser – What if you put the easement on lot #6?

John Parmentier – We will have to find a way to do it.

Bob Tucker – What about running it out Neelon Lane to connect out to Village Street?

John Parmentier – That is something to consider.

Andy Rodenhiser – By doing that, you wouldn't have to take down the giant pines around the tennis court.

Susy Affleck-Childs – Keep in mind that Village Street is a scenic road.

Andy Rodenhiser – Could stay in the middle of Neelon and avoid the trees?

Karyl Spiller-Walsh –It seems to be a more thoughtful layout and better use of the lots and land and road. The open space is used much better. We would want you to naturalize the shape of the detention pond and landscape it so it appears to be a natural form and not overly engineered. But your volumes and flows have to work. Just don't make it so symmetrical.

John Parmentier – I don't have much room to work with.

Bob Tucker – Why did you change to an open system vs. the underground system for stormwater?

John Parmentier – I discussed with Dave D'Amico. I can collect it at a better elevation. There will be a separate pipe out to the detention pond.

John Parmentier – Karyl, when you talk about a shape that isn't so symmetrical, you mean sort of a peanut shape?

Karyl Spiller-Walsh – Yes.

John Parmentier – I will take a look at it, it may also require some underground elements.

Karyl Spiller-Walsh – How it is going to look is very important to me.

John Parmentier – I want the bottom of the basin to be sand. We have done some permeability tests.

Karyl Spiller-Walsh – Is there ledge?

John Parmentier – Down deep, deeper than the bottom of the basin. I do want to take the rooftop water out of the equation.

Karyl Spiller-Walsh – Down on Cherokee, you are looking for a snow easement from the Diulios. What is going to happen there?

John Parmentier – We have prepared a plan to present to the Diulios so we will have that easement

Karyl Spiller-Walsh – Will all those trees be gone?

Kip Dirazonian – Most were dying already.

John Parmentier – We will try to keep them.

Andy Rodenhiser – You show the easement on here. Make sure you talk to them and get a letter from them.

Kip Dirazonian – That would be an easement for the Town of Medway for snow storage?

Mr. Diulio – do you need a letter from us?

Andy Rodenhiser – Yes, they will need to codify this arrangement.

Mr. Diulio – The snow easement will only be on my property? Will it go to the tennis club?

Bob Tucker – It stops at the edge of your property.

Bob Tucker – You need to go back and look at the zoning changes from the May 2007 town meeting.

John Schroeder – I don't know if this is a concern but I am trying to envision the slope of this path and it seems very steep. I don't know if there is a safety issue there.

Kip Dirazonian – If there is anyway to traverse it more gently, we will do that.

John Parmentier – We will work on that.

Andy Rodenhiser – We will want you to work with the Trail Committee too.

Mrs. Ryan – Can you show me where Neelon Lane is going to end?

Andy Rodenhiser – It would remain an emergency access, but it would be paved.

Mrs. Ryan – Will it be blocked off?

Andy Rodenhiser - There will be a gate.

Mary McDonald – Where will the gate be located?

John Parmentier – To be decided with the PB and the Fire Department

Mary McDonald – Will Neelon Lane be 140 feet longer?

John Parmentier – The right of way will be.

Andy Rodenhiser – Would it be any benefit to have the road go right to the end of the property line, to shift the pavement over? There is the issue of frontage.

Gino Carlucci – The emergency access portion would not be considered to be a ROW.

Gino Carlucci – The 40' ROW to the McDonalds property is important to keep for future connectivity.

Andy Rodenhiser – I would want to avoid a cul de sac off of a cul de sac.

Karyl Spiller-Walsh – In the special permit plan, it showed swales on either side of Neelon Lane.

Kip Dirazonian – We will pave Neelon as far as you want us to.

John Parmentier – I thought the pavement would end at the driveway on lot #4.

Andy Rodenhiser – I am almost certain that Jimmie Smith wanted it paved.

Paul Carter – There is pervious pavement that can be designed for this type of application. It is not for super highways.

Chan Rogers – There are pervious paved parking lots.

John Parmentier – Do you have a section design for us?

Paul Carter – No, we don't have anything specific.

John Parmentier – I don't want to design a mix. The Town will have to tell me what you want. You want water to be carried away. Give me a detail.

Chan Rogers – The decision requires a pervious pavement.

John Parmentier – I haven't seen it done in the northeast.

Mary McDonald – There is lattice block pavers with grass in between, used for parking.

Bob Tucker – There are a number of options.

Andy Rodenhiser – There is also pervious asphalt.

John Parmentier – It is hard to plow lattice block pavers.

Kip Dirazonian – So this is just a different mix?

Andy Rodenhiser – It is being done. It is good anywhere where you have difficult water system.

Paul Carter – You have to design a base for it as well, usually crushed stone.

Andy Rodenhiser – The state has a smart growth toolkit and they talk about pervious pavement – I would expect there is a design standard. Up in Westford they do this a lot.

Susy Affleck-Childs – What is your general timetable?

Kip Dirazonian – 3 months I hope.

Short break – 9:07 pm

Paul Carter leaves at 9:10 pm

Open Space Committee – Report

Andy Rodenhiser – I met last night with the BOS. I told them we were going to talk about reestablishing the Open Space Committee. They agreed. We could start appointments soon.

John Schroeder – I have been just trying to assimilate a lot of the information and work that has already been done. Phase I would be to put together a committee. Phase 2 would be to update the open space plan. It was last updated by Gino Carlucci in 2004 (as part of the Town's Community Development Plan for the state.)

Andy Rodenhiser – Could you explain the Community Preservation Committee (CPC) vs. an Open Space Committee?

John Schroeder – Medway's CPC was created as part of the town's acceptance of the Community Preservation Act. The CPC was charged with administering the funds that are generated by the CPA levy in Medway. The CPC functions as a recommending body to town meeting on how CPA funds should be used to create open space, preserve history or facilitate affordable housing. The CPC is a recommending organization. It is not specifically charged with or responsible for the active pursuit of open space for any particular reason. That doesn't mean they would not work with an Open Space Committee but a separate OS Committee would be able to focus its efforts.

The Open Space Committee would be best described as a sub committee of the PB. We would inventory the open space, determine what the community would like, determine the ownership, and try to develop a plan to preserve open space whether it is prepared under the onus of the current owners or purchase outright. Or it could be owned by another entity such as a land trust, etc.

Andy Rodenhiser – So you are going to try to put together this committee. John Schroeder will bring these folks forward and then we will appoint them and that committee will function as a sub-committee of the PB to work on a plan to get approved by the Mass Department of Conservation and Recreation (DCR).

John Schroeder – Having a current and approved OS plan makes it possible to apply for grants. It also protects the town as well.

Andy Rodenhiser – An Open Space Plan would be a supporting leg of the master plan.

John Schroeder – Open space could be preserved for affordable housing or sought out for aquifer replenishment. We need to understand what the priorities for the Town of Medway are. That would guide the plan and the committee.

Karyl Spiller-Walsh – Just a comment, as an observer and member of the community. Open space has been observed by reactionary means. Oh, this piece of land is for sale. Unfortunately, because of that, two of our best pieces of property have gone by the wayside now and a lot of the other land that has been considered for open space has been solely looked at for recreation.

John Schroeder – I have a sense of urgency. I think the real estate market has given us a pause. That will not last long. Now is an opportunity to make a plan. I would like to look at a map of Medway and also and see what open space is protected in abutting towns and try to make connections.

The Trail Committee - I am hoping they will actively participate. They are working on a corridor plan.

I would hope we could present a map to show existing open space, who owns it and then develop a plan to protect it – maybe some would be left in natural state, some would be for soccer fields, some might be good for tennis.

Karyl Spiller-Walsh – Some open space isn't great land. Other sites are beautiful.

Andy Rodenhiser – This will make the rest of our work more effective. We can use this as a tool with special permits.

Karyl Spiller-Walsh – Right now open space is looked at as what is left over.

John Schroeder – I would hope that an Open Space Committee would operate as an advisory committee to the PB to assist with special permit negotiations.

Chan Rogers – They are going to become a pro active advocate for open space. The CPC is the steward of the CPC funding.

Susy Affleck-Childs – We welcome anyone interested in serving on a new Open Space Committee.

Andy Rodenhiser – Send an email to the Planning Board office if interested. We are looking for representatives from the general citizenry and reps from key boards.

John Schroeder – I think of all the things we are concerned with as a PB, I personally feel this is the most urgent.

Karyl Spiller-Walsh – I am with you on that.

Discussion - Future Zoning Initiatives

Susy Affleck-Childs – The BOS determined there will be a special town meeting on Nov 19th so we need to look at a schedule for getting everything done for the warrant and for public hearing notices. Could you do an extra meeting on October 23rd?

Gino Carlucci – That isn't good for either Andy Rodenhiser or me. We are speaking at a program about the 43D project.

Andy Rodenhiser – I will be in Pittsburg on Oct 24th.

Susy Affleck-Childs – What about Monday, October 22 at 8:30 pm at the senior center after the DRC meeting?

AGREED

Lighting

Bob Tucker – I did sit down with Susy Affleck-Childs last week and we started looking at lighting provisions. The intent would be to prevent spillage pollution, light in areas where you don't want to have light. Susy was able to pull out a number of examples that had some good language. By and large, as far as residential lighting is concerned, residences would pretty much be exempt. Examples have shown they use a baseline total wattage per fixture. The typical flood light on your driveway would fall outside any proposal we would look at. We are really looking to address issues of lights that shine into neighborhoods.

Andy Rodenhiser – This is a reaction to problems we faced in the past.

Bob Tucker – Yes, but to control light emanating from new commercial development, also address use of spotlights and hours of operation.

Bob Tucker – I have highlighted a number of sections here and Susy will work her magic and try to pull something together. This would tighten things up a bit and minimize spillover.

Bob Tucker – The other thing I would point out is that the building code does address lighting. These provisions would be above and beyond that.

Andy Rodenhiser – Somehow we need to get a tool into the hands of the Police or Building Department to measure light.

Susy Affleck-Childs – We learned there is a national organization with recommended light standards.

Gino Carlucci distributed a review letter dated 10-16-07 with comments on various draft articles.

NOTE - Bob Tucker leaves @ 9:40 pm

Gino Carlucci - This addresses 3 of the bylaws we talked about, the first being an addition of mill conversion provisions to the AUOD section of the zoning bylaw. It would allow the mill to add multi family dwellings.

Mill Conversion provisions for AUOD

Andy Rodenhiser – Would this be additional units? We don't want to see shrinkage of commercial space. Could it be written so that it couldn't go below the amount of commercial space there now?

Gino Carlucci – Right now, it is not written to correlate to the commercial space.

Andy Rodenhiser – Would that be good?

Gino Carlucci – Yes, one of the purposes is to encourage mixed use. We could put in a ratio of some kind.

John Greene, Medway Mill owner – I have to think about parking there. I think there are 94 spaces. My intent would be to come in on the other side of the mill. I think I have enough parking for commercial space. People could use the parking lot during the day for business uses and at night for residential uses.

Andy Rodenhiser – The town doesn't want to lose the commercial spaced. Mixed use is symbiotic.

John Greene – I don't intend to make the whole mill into apartments.

Gino Carlucci – We could write it so that no more than x% could be used for residential purposes.

Chan Rogers – I would say somewhere around 30%

John Greene – There is still a substantial amount of space there to rent.

Gino Carlucci – We could provide for an additional special permit to have housing greater than a set %.

Karyl Spiller-Walsh – I think it is dangerous to set that too firm.

John Greene – I am keeping the other metal buildings for commercial purposes.

NOTE – Susy to send John Greene the design guidelines so he can start to think about this.

Parking Regulations

Gino Carlucci – I had a few suggested changes. With spaces for compact cars, we reward people who use less energy and provide a tiny incentive for people to drive smaller cars. It also reduces the amount of impervious surfaces. But we should provide that compact spaces are distributed throughout the lot and not way in the back.

Chan Rogers – I didn't read over these proposals. I would suggest we do our homework for Monday night's meeting.

Andy Rodenhiser – So we will vote on this on Monday.

Inclusionary Zoning/Affordable Housing

Gino reviewed his comments on the draft.

What size development would trigger this???

Andy Rodenhiser – I think there should be some incremental contribution for smaller projects.

Chan Rogers – Affordable housing is not a popular thing.

Andy Rodenhiser – This is our own attempt to try to not be beholden to 40B developers.

Chan Rogers – I don't think we should be aggressive in this.

Karyl Spiller-Walsh – The whole picture has to be looked at. We talk smart growth but it isn't just about affordable housing. What happens with a subdivision that is required to give affordable housing? That cost is coming out of somewhere. The integrity and value and overall quality of the subdivision gets more and more depleted to be able to support the affordable housing. It is a tradeoff for the town. Yes, it is a state mandate to disperse housing but at some point there is tradeoff.

Andy Rodenhiser – At what point should this begin?

Chan Rogers – I am saying it shouldn't be less than 10 units.

Gino Carlucci – This draft allows a density bonus for the affordable units so it is not completely up to the developer to absorb the cost.

Chan Rogers – I think we should not be aggressive.

Andy Rodenhiser – The state is trying to encourage us to do it and we have a responsibility to try to address this problem as a planning initiative. By sticking our heads in the sand, we don't accomplish anything.

Karyl Spiller-Walsh – That is not what we are doing.

Andy Rodenhiser - By ignoring the problem and saying we are not going to do it because towns say that 40B process is flawed?

Andy Rodenhiser - Housing affordability is a real issue. There are segments of our population that have to move away. The State is saying that affordable housing is important for a good strong economy.

Chan Rogers – I say we go to subdivisions of 10 or 12 and require a higher percentage of affordable.

Karyl Spiller-Walsh - Density bonus isn't always a great thing for the site. I think there is a lot to discuss here.

Susy Affleck-Childs – We should bring some developers into the discussion.

John Schroeder – With the market right now, this is a good time to work on this.

Gino Carlucci – This draft allows for the affordable units to be provided off site.

Andy Rodenhiser – Karyl, are you concerned that you will see less of a quality of subdivision because of this additional requirement?

Karyl Spiller-Walsh – Yes.

John Schroeder – This gives the developer a way to pay for the affordable units.

Chan Rogers – You have to sacrifice something to get the affordable.

Karyl Spiller-Walsh – How much is OK??

Gino Carlucci – Since this is by special permit, this would provide us more influence on a development.

Chan Rogers – I would suggest we not do this one for the 11/19 special town meeting

Combine Commercial I and II

Question – Do we want to allow for other types of building materials businesses?

Andy Rodenhiser – Where else in town could we provide for them?

Chan Rogers – Bottle cap area?

John Schroeder – West side industrial park.

Gino Carlucci – This is not an allowed use where they are now (Medway Block).

Andy Rodenhiser – This may generate questions on the adult uses sections!

NOTE - Get some history on adult uses provisions. With these dispersal standards, where would it be allowed??

Use & Dimensional Tables

Gino reviewed the draft Use and Dimensional Regulation tables.

Gino Carlucci – I will add a key at bottom – A = Allowed; P = Prohibited; SP = Special Permit

Susy Affleck-Childs – I have asked Town Counsel Barbara Saint Andre about where to insert the tables into the bylaw.

Gino Carlucci - I will tweak it some more and adjust for building height.

Andy Rodenhiser – Bob Speroni has been asking for this for awhile.

Andy Rodenhiser – maybe show the overlays – flood plain, groundwater protection,

Commercial I/I Overlay

Gino Carlucci – I think we should hold off on this. We need to do some more leg work with the property owners.

DRC Review of Sign Permit Application

Karyl Spiller-Walsh – The DRC has been doing this for 2 years and not one person has changed an element of their design. It is a big waste of our time. Why do we do this?

Susy Affleck-Childs – I believe that if signs get to the DRC earlier, it may have more impact.

It was agreed to review these again at the special meeting on October 22nd.

INVOICES

\$160.80 to AdPrint for photocopying the updated zoning bylaw. Funds to come from the Planning Board's General Fund printing line item. Motion to approve by John Schroeder, seconded by Karyl Spiller-Walsh. All YES. APPROVED.

\$65 to Technical Solutions for professional services to configure new copy machine. To be split between PB and DPS. Funds to come from the Planning Board's General Fund contracted services line item. Motion to approve by John Schroeder, seconded by Chan Rogers. All YES. APPROVED.

\$1,087.50 to PGC Associates for plan review services related to Daniels Village ARCPUD application. Funds to come from developer's special account. Motion to approve by Karyl Spiller-Walsh, seconded by John Schroeder. All YES. AAPPROVED.

\$682.50 to Petrini & Associates for plan review services (legal) related to Daniels Village. Funds to come from developer's special account. Motion to approve by Karyl Spiller-Walsh, seconded by John Schroeder. All YES. APPROVED.

\$3,277.50 to VHB for construction inspection services for Country View Estates. Funds to come from developer's special account. Motion to approve by Karyl Spiller-Walsh, seconded by Chan Rogers. All yes.

\$2,142.75 to VHB for plan review services for Daniels Village. Funds to come from developer's special account. Motion to approve by Karyl Spiller-Walsh, seconded by Chan Rogers. All YES. APPROVED.

MEETING MINUTES

A motion was made by John Schroeder to approve the minutes of the September 11 and 25th PB meetings. The motion died for the lack of a second.

It was agreed to hold over the minutes of the September 11 and 25 meetings to the next PB meeting.

Planning Board Goals and Objectives

Andy – I would like to review these after the fall town meeting.

AGREED.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to adjourn the meeting. All YES. APPROVED.

The meeting was adjourned at 11:35 pm

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

October 30, 2007

PRESENT: Andy, Karyl, John, Bob

ALSO PRESENT: paul carter, gino Carlucci, susy Affleck-childs

Chan absent – wife in hospital

Meeting was called to order at 7:10 pm

CITIZEN COMMENTS – No comments

Andy – you have in your packet regarding certificate of completion for Medway Commons – there is an issue with funds that have not been paid to the town for police details – 20,000 plus by the subcontractor – the town is trying to collect it and is having a difficult time . . an idea we want to ask town counsel – but to collect the money, if we were to talk to the BOS about this issue and suggest they not renew business licenses at the site or allow them to do any future work there until this is paid and there is a cert of completion . . ultimately the benefit that accrued to the propertyowner and Charter Realty is that they are collecting rents – these police details were provided to them for the construction process – what do you think

Karyl – sounds good to me . .

Andy espinosa – how much

Bob – I would agree that we not issue it until this is paid . .

John – does that put the PB in the role of bill collector

Andy R. – not really . . the BOS would be in the position to not extend licenses to the businesses –

Bob – Charter should still be held accountable . . I don't understand why we are not going after them

Andy – this will be an agenda item in 2 weeks – Karen will be here -

Bob – they should have kept retainage to cover such expenses

Andy – Andy E can brief BOS on this if he would – we will ask town counsel

Public Hearing Continuation – Betania II Marian – ARCPUD Special Permit

Bill Proia, attorney –

Andy – Chan Rogers is not able to attend tonight so he cannot be part of any vote.

Bill – our request – withdraw without prejudice . . . that is really it

Karyl – would there be an opportunity to discuss – about the anticipated return of the project

Andy – when they will return, we can talk about anything then

Bill – generally, we know there are personnel changes coming and there is an election in May and we have always been consistent to have a panel of 5 intact – it is no secret that we have had difficulties fulfilling some of the requirements – Eric has been very patient – it is not fair –

Karyl – I had a concern that when the project comes back in, the submittal should include only what it needs to include – one of the VHB comments was about landscaping buffers – I think your engineers might not even be aware – I think there should be some informals, maybe some discussions before they submit –

Bill – I think the regulations provide for pre-meeting

Bob – a limited number, so you have a good idea of what you want to do

Bill – if we are allowed to withdraw without prejudice

Karyl – I would hate to see everything addressed and not have a chance to have input . . .

Bill – I hear your suggestions – we would take advantage of those pre-meetings – there may be new people that will be sitting here that will need to be brought up to speed – We know the categories of things that the board wants to weigh in on

Susy – truly a new applications

Karyl – how can we help you to clarify what needs to be done . . .

Susy – money for engineering services before an application . . . we will need that

Motion to accept withdrawal without prejudice . . . John, Karyl, Andy – all in favor – John, Eric - Bob does not vote

Bob – thank you for the consideration

Eric – it has been a real pleasure to serve with you all – keep the door open to coming back . . .

Bond reduction for Hartney Acres Subdivision

Paul – we did an inspection – we inspected sidewalk paving and berm – that came out fairly well – also they did top course paving as well which we also inspected and that came out well on 10/22 – we also took a look to see what was left to be done and those are the things to be done that show up in the bond estimate – some loam and seed – some landscaping around the detention areas and the islands –s till some guardrail remaining – Recommend \$42,426

John Claffey – I would ask that the road maintenance and snow plowing be reduced to one year

Andy – it is your intention to go for street acceptance in may 2009

Paul – I did put together a revised – I have those numbers \$36,414

John – I would like to make a statement that I am recusing myself

Karyl – I would like to express that unfortunately, I really have a problem with how the stone wall – the look of it – also the back of it was not supposed to be visible from the other street – there was supposed to be some plantings behind the retaining wall and I don't think those are in –

John/susy – the wall starts in further . . with a plan revision

Karyl - it is not a great thing –

Motion to accept \$57,235.80 would be refunded down to \$46,235.80 – bob, karyl – all yes . . .

NO JOHN SCHROEDER - recused

Daniels Wood II Def Subdivisoin Plan

Completeness Review by Gino

Gino – 18 items sounds worse than it is . . there are major deficiencies

Bob – application needs to be fixed – I move that we reject – karyl – all yes

Inspection Report from Merrikin Engineering on 2-4 Main Street

Bob – is there a surface to go on the wall? I have seen it being worked on at all times

Andy – my concern is that they were filling in and around the drainage structures at night

This is a situation where we said it was OK for their engineer to do inspections – he hasn't really said that he has conducted inspections – no stamp, -

Bob – we had talked about that in considerable detail – I would want to see periodic inspection reports submitted to us for review – if he hasn't done that, then the applicant has not held up his end of the bargain – we want copies of the inspection reports – until they go to put that stone façade –

Andy – I called Susy and asked if we had gotten any reports – she called Bob Potheau and this is a result of the inquiry –

Bob – periodic inspection reports that we had required –

Andy – the intent was that a professional engineer was going to be looking at this stuff – there is no stamp on the letter

Karyl – all it says is that it is coming along

Bob – I think we need more

Andy – he needs a strong reminder of what is required . . . we don't know if the gravel that was put in there . . .

Bob – I am concerned about techniques used

Susy to do a draft letter

7:47 pm – Country View Estates

Punch List – dated

Bob – do you have some more work to do – are you done?

Greg – we have a few things on the list still to do

Andy – he has an issue with two lawn inlets – Faist Engineering drawing – those do not exist – they were not installed - intent was that they would collect water – there is no definition or gullying there

Greg – this is before VHB, PMP the original engineers, he felt that when the road was built, there would be depressions on either side and Paul DeSimone argued with him – but . . . east side on stable way is higher – the natural grade comes toward Stable Way corner

Andy – paul, what are your comments

Paul – looking at dave faist's review – he did not find adequate justification for the inlets to be required – he didn't find any design information or calcs that were done – these were added during the approval process – they are drawn in pencil on the plan

Andy – these were not included in any calcs

Paul – and no grading shown or swales shown to catch the water – looking at it in the field – it is a relatively small area, fully vegetated now – it has woods and mulch – relatively flat in that location – house blocks the side of the hill – the house is in the middle of where the sketch is

Andy – doesn't look like there was ever a natural depression there –

Paul – number #2 is on the low side of the road

Karyl – any puddling?

Greg – there hasn't been, I did knock on the door of the owner – she said there is a little bit of puddling when there is a lot of rain –

Karyl – any problem in the basement

Greg – she said yes, but not in this area – never been an issue at the corner

Andy – it doesn't serve much purpose

Karyl – it would make it look horrible

Paul – you would have to do a lot of grading to make it – you wouldn't be picking up much water –

Andy – better if left alone

AGREED – to not require the construction of the two lawn inlets at

Andy – relative to completion – I went over this list that you gave me – there really are – October 30th punch list –

Greg – I believe there are like 5 items –

#4 – Jimmie's letter right here

Paul – his letter says there are a few items that are missing

Greg – I have been working with jimmie on these

Andy – what is your time frame to complete

Greg – last week . . .

Bob – next week or next year

Greg – I have been trying to get together with Jimmie to get these done – the stormceptor – I did have Jimmie out there today – we did clean it and we decided the original pipe that is draining from the stormceptor isn't long enough and the state buried it – I will go back in and unbury it and extend it – this is the main issue – I can finish this by the end of next week

Paul – outlet to the stormceptor pipe will be extended

#9 – stormceptor is with Jim

Greg – we cleaned it – we took little shovels and cleaned it out

Andy – there is mud being dragged out onto the street from the house lots – there should be a stone mat -

Greg – when they construct the house next year, I will try to mention it – typical cement traucks –

Andy – keep dirt on the site so it doesn't go out on the road – so it isn't an issue for stormwater management – regulations are going to become more strict – we are going to be watching more for that

Greg – there is a total of 3 more house lots to be built

#17 – I have a letter from officer Watson – dated October 28, 2007 – saying the signage plans can be changed –

SEND TO PAUL

#25-27 – Disability Commission

#26 – Certificate of Compliance from CONCOM – I dropped the ball –

Susy – concom has authorized me to go into the concom files to look for things – I need the DEP file #

#27 – revised as-built plans for Broad Acres Farm Road and Stable Way were provided . .

.

Susy – and you will be taking good care of the streets up there this winter, right

Greg – one other issue. . #33 – it is a small repair on – he promised he would do it yesterday, I forgot to check it today – I think it was done . .

Greg – what I believe – I think I have very little to do . .

Greg paid check –

Paul – where are you with the bounds?

Greg – they found them all and dug them to show

Paul – steel pin?

Greg – they put that in

Andy – on the as-builts for the detention ponds? #28 – it has been addressed –

Paul Dave Faist sent an analysis of – I did review that

Andy – your next inspection, we should be wrapped up – should be 100% next time

Paul – I need to review the revised as-builts

Andy – thanks for your diligence –

November 13th . . .

8:15 pm – Paul Carter leaves . . .

ZONING BYLAW AMENDMENTS –

Andy – any issues with the redrafts –

Andy – Joe Musmanno sent an email t the board regarding the use and dimension tables – he questions whether it needs to be done as a bylaw – he wanted to have it in as an aid – I told him that susy had spoken with town counsel – susy has asked barbraa to put it into writing as to why . . .

Karyl – that was our original question – it seems like an addendum –

Bob – we need to remember, this chart does show a few glitches that we have within the system – everytime we go to do anything we will have to change

Andy – once it is done, it will be an invaluable tool to both the ZEO and prospective developers

John – town counsels position was that it needs to be a part of the bylaw . .

Andy – yes – and ZBA wants the same thing –

Gino – Joe felt that even with the disclaimer there will be conflicts and confusion

Andy – did he have a conversation with you/

Gino –no

Gino – Barbara had expressed concern that mill provisions could be considered spot zoning – she suggested it be designated as a subdistrict of the overlay district – that parcel is different from all the other buildings in the district –

Bob – in the event that next door, they wanted to make a change to the mill buildings and wanted to add some retail space,

Gino – it wouldn't help them

Bob – why aren't we looking at both of them and treat them equally?

Andy – Sanford Mill is 100% housing right now – you would treat the other building differently because it is all commercial now and it has struggled with that – we are trying to preserve a unique property and its historical significance

Karyl – Sanford Mill has already allowed to become residential

Bob – it would be very difficult under current ownership situation there as condos to do anything to convert

Gino – they couldn't do it now or if this passed

Bob – I am not trying to take our work on this and push this aside

Gino – when we started, it was a general mill conversion bylaw but there weren't any other mills in town . . so it got narrowed down to midway mill

Gino – if the table goes forward when the Commercial I and II is combined, the motion to approve the tables

Is there a motion to accept these as a slate of zoning articles – bob, john – all yes -

Karyl – it would be good to have a little email reminder . . .

Bills to Pay

PGC - \$450 – consulting services/general budget – motion by bob, karyl – all yes

Susy – citizen survey, we may need some money

Gino – survey monkey web site to allow people to respond on-line and get results compiled –

PGC - \$75 – plan review 50 winthrop street – plan review revolving fund – bob, karyl – all yes

Vhb – construction observation - \$3926.01 . . . – clients funds – john, karyl – all yes

Blatman bobrowki and mead – \$1525 plan review for marian betania – karyl, bob – all yes

VHB – plan review – marian betania – 14801.44 – clients funds – bob, john – all yes

Karyl recuse

Wingate Farm Covenant

Susy's explanation

Bob –motion to approve, john – andy –

Board signed contingent on attorney providing the road deed . . .

Karyl – returns to discussion

Open Space Committee – John

John – article in the newspaper, there was an announcement that hoags have donated land

John – there have been a- I have put together a list of names – probably 7-8 of which are qulaifeid people that have been involved with medway efforts in thepast who have come forth – highly motivated – it is exciing that there is interst – I will meet with susy to plan ameting and agenda –

John – today, I attended the meeting of the western norfolk county TA – presentation by DCR on open space planning and grants and the need for said plans inorder to qualify – different types o funding – the requirement to qualify to even apply is to have an open space plan - does not require town meeting vote, but the more community invovlment you can demonstrate, the better yhour chances of getting grants – they are really stressing

g- presentation and acceptance at open town meeting is highly recommended and I don't see why we wouldn't want to do that – the plan can occur prior to town meeting to get us on the list of being an eligible community for grants –

Karyl – what kind of vote?

Gino – ratification or expression of support by town meeting of an open space and recreation plan – one more thing that the town is behind

Andy – I can't imagine town meeting wouldn't approve

John – the DCR said care in choosing committee members – from various interests in the town that represent – diverse group – somebody that represents conservation, somebody that represents active recreation . . . I think it is time to put together an open meeting – present to the PBN with a list of candidates – I will say this, I felt a sense of urgency from today's meeting – July 1 grant application deadlines – I would love to go for the spring town meeting –

Gino – I would have to say – what is in the community development plan is probably 90 % of it – the goals and objectives that need to be reviewed – some demographic info needs to be updated and updates on more land – the nuts and bolts of it is in place and ready to take the next step – I think it might be do-able

Andy – look at the budget to see if we have money to get some help

Andy – gino, could you look at the stats and update

John – we can submit an open space and rec plan that is not finalized to qualify for the grant – we are way ahead because of the work gino did in 2004

Gino – one thing to be aware of, they do have a handicap accessibility component – for your recreation facilities – you have to document that it meets accessibility standards or you identify what needs to be done – also . . . when you apply for the grant, you have to have an appraisal of the land and I believe CPA money can be used for that –

John – I will look into that . . .

John – first order of business – put together committee, plan and then grant applications

Gino – the self help program is one of the grant programs for which the town has to have a commonwealth capital application on hand

Susy – good to get BOS/TA to authorize update of commonwealth capital application

Karyl – I would like to be part in some way . . .

Tetra Tech CO estimates – ask them to make a change in their form – so it will be signed off on by the Board instead of by Susy

Motion by bob, john – all yes

Minutes – john, bob – all yes --- sept 11, 25 and oct 16 ..

Gino – Development Handbook – cover for the booklet – I have more pictures that could go inside as well . . .

Motion to adjourn – all lyes

9:05 pm

Susy – email Andy Espinosa the current version of the development handbook

Planning Board
November 13, 2007

PRESENT: Bob Tucker; Karyl Spiller-Walsh; John Schroeder;
ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant;
ABSENT WITH NOTICE: Andy Rodenhiser

John Schroeder, Vice Chairman, called the meeting to order at 6:30 p.m.

CITIZEN COMMENTS

Bills . . .

Blatman Bobrowski and mead – applicant's plan review – 7890 – motion by karyl – all yes

VHB – plan review – River Bend – \$8290.19 – plan review – kayrl, bob, all yes

PGC Associates – River Bend – 262.50 – plan review – karyl, bob, all yes

VHB – construction observation Pine Meadow \$5,456.43 – karyl, bob, all yes

VHB – plan review rolling hills 690 – karyl, bob, all yes

Franklin Creek Subdivision – Bond Estimate for next meeting

Bob – concern with smaller subdivisions/projects, in reality they may pay a premium vs. a bulk price – I would like to look at making a revision to our subdivision rules and regs to allow for that adjustment – our regs provide for standard weighted average – I want to make sure there is enough money there –

Karyl – was there an issue to think about this?

Bob – in looking at some of the bonds that are still outstanding – there is nowhere near enough money to take care of some of the things that need to be done . . . let's do some fine tuning

Susy – cut that section of the subdivision rules and regs

Status Report – Master Plan Update

Jim Wieler
Diane Borgatti

Jim Wieler – We did meet and talked about . . . wanted to talk to you on how we go about this – core group – myself, dan, diane, dave kaeli – if you appoint us, we can reach out to other boards and get people from various boards and departments – etc. we talked about doing a survey – how the scope of this . . . this is an update – we can take the chapters as they exist now – assign 2 people to each chapter and make them responsible for updating the data and then taping the boards for what their action items ought to be – survey – how big an effort is this? If we can get the survey form together – get survey out – while that comes back in the census – we could start working on – compile and analyze results in February march – spring – start writing the action items – and work on it and come out with a first draft sometime in the summer or September 2008 time frame – it was 18 months the first time around

Karyl – I don't see it as long a procedure as last time around – decide on the initial format and see if that works –

Jim – we are more sophisticated and graphics

Karyl – the interests of the town are a little bit different than they were back in 1998

Jim – with regard to the survey, susy had put together a compilation from a bunch of communities – we may want to add to this with regards to open space . . . and the biggest thing and formatting it in a way it can be scanned to tabulate the results – we hand entered half a million data points before –

Bob – we had talked about doing it online – had you thought about that

Jim – 2 things – there is stuff you may want to expound upon – difficulty in tabulating that – verbose – off theme – maybe go free form on line – do hard numbers to be scanned

Gino – there are survey companies on line that you can design any way you want – and people can fill in the dots or they can do free form also and it will tabulate automatically the responses – everyone will not respond online – maybe half would be automatically tabulated – but for the other half –

Jim - maybe the election machines could be used to scan – not everybody is web based so we can't just do it

Gino – send form to everybody, offer them an online option – half would come back in paper –

Susy to talk to maryjane to see about

John – the qualitative questions you are talking about – could that be used to help refine the actual survey questions –

Jim –

Karyl – an addendum mailer that could be sent back – something to contemplate – you will pull out again

Jim – maybe with one double sided form, we may be able to – question on how to avoid duplicates

Karyl – this is a very important process on the way to our new open space initiative

John – we need to get some open space questions into the survey –

Karyl – we need to get the word out on what open space – automatically think about active recreation or a hiking trail and we need to clarify all the definitions – it is not necessarily one thing - it may mean 10-25 different options of what it can be

Jim – the Hoag's gift last week – conservation restriction to be held in perpetuity –

Motion to appoint – jim, diane borgatti, dan hooper and divide kaeli – to master plan update committee – motion by bob, seconded by karyl – all yes

Motion by bob – to ask committees boards to help - . . . all yes . .

No senior center site plan endorsement tonight – hold over to November 27, 2007

Committee Reports

John – I am accumulating names of people who want to contribute become involved in the open space committee – awful lot of really qualified people who are responding – quality list of people – November 29 at the senior center and Dec 4th at Sanford Hall - hopefully present to the PB

7:13 p.m. Public Hearing - Proposed Amendments to Medway Zoning Bylaw

Attach public hearing notice.

Waive reading of the public hearing notice – karyl, bob – all yes

Open up to the audience – any comment as to any particular article

David Blackwell, 2 milford street – I was concerned about extending the mixed use zoning on route 109 on Holliston street – concerned about the historic district –

Article 19 John – the mixed use zoning would apply only to the mill – it would not extend the district at all size – the boundaries would not change – ar

Resident – on Winthrop street – concern about traffic

Gino – the change only allows the conversion to residential by special permit – at the time an application would come forth, the PB would look at traffic impact and there would be public hearings

Karyl – we have seen several conceptual plans have already improved traffic flow in the area – it looks like whatever happens there – there is not an actual application yet – two or three major accesses to that site

John – the new owner is very committed to that site

Jim coakley, 40 lincoln street – my question is – the way I was reading it – can he put more buildings down there – can he put more buildings down there – will you be in favor – I don't want a giant condo complex on the back land

Gino – it limits to 25% of the area – residential density up to 12 units per acres – he could add a new building – within those limits and only be special permit

Jim – nobody wants a big development there – with the schools and everything like that

John – I actually live right next to the other mill in town and I don't find it difficult

Janet larden, 28 norfolk avenue – if there is additional buildings – if he could propose –

Gino – it is not limited by buildings, but by housing units – the intent right now to add units to the third floor of the original mill buildings – it is not to build new space – it depends on what he builds in the existing space – the more he builds in the existing space the less he can do elsewhere - he intends to do a third floor one concept

Janet larden – would it change the height?

Gino – it would for part of it

Karyl – if and when he comes in with a third story proposal – he needs to hire an architect and it will be run thru our design review committee – it should not look alien – whatever he chooses to do – I wish he was a little more aggressive with some of the other parts of the site – there is a wonderful river that runs thru it – it could have commercial and residential use there – great parking and landscaping – but we intend to be very careful with what goes on top of the building – it could be very beautiful

Janet – that river runs thru my back yard too . . . I don't want it in the house -

John – the intent is to make use of the property in a balanced way – businesses in the day time and residences in the evening – not intended to negatively impact the area -

Russell sherril, 1A Winthrop Street – the plan shows about 11.5 acres of land – with the residential density maximum – that would be something like 120 to 145 units – is that in line

John – that would be maximum number

Gino – the 12 units/acre is exclusive of wetlands – that would all be subtracted out – the

John green – I live in Westborough, I bought the brickhouse apartments and did them all over – 32 bedrooms that are all very well kept and good tenants – along the lines – I operate as a landlord – kids who get out of college want to move back to town – to add some extra housing to do it with a blend to account for everybody's concerns – I bought the mill about 8 months ago – the buildings now have fully operating sprinkler systems, full fire alarm system, we have done one of the buildings – it all has a new roof on three buildings – the main structure is incredible – I have a little sketch I did – it might visually help – intent would be to create a new entry way off of route 109 just west of the main building – parking for 80-90 cars with a good buffer and screen – I would still like to maintain the exit out to Lincoln street – structure has tremendous steel, take the front and rear and get the same look for mill structure – it would really finish off the third floor of the mill – it would be a pretty structure – what could we do up there – if we could utilize that space – if we only have so much parking – if I had apartments there – I am thinking I could have 15-20 one bedroom apartments – and then a couple of 2 bedroom apartments on top of the mill. My other thought is that I may want to look at something for the back buildings – there used to be dumpsters, trucks – we cleaned out whatever we could there – there was a trucking company here – so now I have small style contractors here with small trucks – Mr. Coakley will attest that I spent money to pave this – as far as another building, my thoughts were perhaps some of the back buildings would be better used for apartments with parking – it wasn't my intent to put a big building up here in back . . . I would always try to keep my neighbors in mind – the size of the building – it would be a nice use of the space

7:40 pm – Chan arrives

John green – the mill is coming back to life –

Shelia Todd, 30 Norfolk Ave – I have a question about things in back – how high would that be – that is a concern – it all looks great what you have done –

John green – 2 story – whatever we were going to do – it would probably look better with a nice new building vs. the metal buildings that are out there now . .

Chan Rogers – it would require a special permit and a separate public hearing with the PLANNING Board

Met Meyers, Malloy Street – article 15 – commercial 1 and 2

Johyn – any other questions on article 19?

Jim coakley – my only issue would be with a new owner in 10 years – somebody could go in and put up some large units – I don't think he wants to do that –

John Schroeder – it might not necessarily be the same owner, the same planning board –

Greg perrlini, 37 lincoln – what type of housing? Everyone would be rhtinking about value of their home – what would be established there? Priced range – what would be there

Bob tucker – in this particular case, we couldn't take a guess – until an applicant – it could allow a rental or a condo – it wouldn't work as private house lots

Chan – all the details would have to be presented at a public hearing before the pb – the pb would have the ability to consider all details – lot of discretionary weight that the pb can place on a proposal and the public would have an opportunity to express their like or dislike - we want to give that property the chance for the highest and best use

Karyl – one thing I think is a very good idea – all you that are abutters – before they actually come in with a finite statement application – a good idea is for you to come in with some ideas of what you would like to see there – what would you want to see as a buffer – dense or light, stone walls – that can happen – have an idea of what kind of architecture yhou would like – what do the tops of some of this bigger mill buildings – what do they look like? These – don't just come an dlisten – come in with specific ideas – it is a culmination of ideas – what he can afford

Gary Jacob, 4 broken tree road – another suggswoni – sometimes design review committee gets to look at deisngs in a pre application phase – that might be an opportunity to come to those meetings as well – we don't have control of anything , we recomemd to the planning board – we encourage applicants to look at things and change things

John – I would like to take this opportunity – to talk abou the desigin review committee- the group has evolved ove rhte past few years – working with appolicants to refine the plans early on – right from the get to – leaps and bounds ahead of what it was before – it has been tremendous – I hope you get a chance to see that process take effect

Ned meyr's malloy street – part of the commercial II zone – I have some questions, probably from lack of clarity on – as I understand – it is to make commercial I and II the same – and I understand the rationale for that – simpler – so I hnaue anumber of follow up questoinis – in merging zone 2 in zone 1 – were a church and a greenhouse –

Gino – churches and greenhouses were eliminated because they are allowed by right in any zone – as far as the single family houses – to be honest, - if there is a single family house in c1 and c2 now – it can stay that way . . .

Ned – it seems that the only difference between C1 and C2 – it would allow banks to legitimately exist –

Gino – create it as a consolidated center –

Ned – I get concerned about – anything

Bob – article does allow for offices

Ned – the only real expansion is the additional retail that it opens up and zone one gets additional benefit –

Dna hinthorne malloy street – C1 and C2 – what is actual differences now

Gino – he basically mentioned the differences – very minor – retail allowed on one side, offices on one side and not the other – there are no new uses that weren't allowed before –

Dana hinthorne – malley – the way it is outlined on the drawing – across the street on it looks like it follows house lots

Gino – that might be a suggestion to do in the future –

Mike Monahan, malloy street - - residents would like to suggest a change in the zoning boundary to follow the lot lines –

John – we will look at it for next may town

Meyers - if the special town meeting warrant passes now – residential owners would be at risk - to take the slices of Appleton and malloy and pass it – lets redraw the line and rezone the commercial I and ii together -

John – it would have to go thru a site plan process -

It could be deferred

John – the zoning bylaw as it stands today as commercial II – is there any ways they would be treated different

Gino – this adds retail uses in the c2 zone

Meyers – technically any retail use could come in

Meyrs – it would make it harder for them if it was residential –

John – I don't see why passing this effects you negatively in

Orchard street – our issue is – we are losing some

Gino – are you concerned about traffic – what will our neighbor do

Gino –

Cathy Schultz – we own the property on holliston street – I can't even sell my space – it is too small – the corner needs to go as

Lisa ecklund – Appleton way – I agree with the gentlemen on our side – it is one step closer – I live on Appleton way - it is completely commercial - I have one question -0 can we defer this amendment and then again do something jointly and rezone the residential part and then address everything else – can we put a package together –

You cannot access commercial

Lets handle both sides of the issue – I didn't know that half of my property is commercial

Citizen – zoning changes in my experience should be taken up at the annual town meeting not special – given the magnitude of these concern s- I would suggest that you postpone it to may

John – at the may town meeting – to do both at one meeting might be too much -

Leo oschkey, orchard street – two different warrant articles – one could be done first cutting off the residential

Meyrs – if you feel the 2 step article approach is too much – the one we would prefer first would be taking out the residential

Bethany bart – I represent the owners of the midway shopping center – I have some comments on the proposed language – suggest consolidating

Re parking – concern about useable floor space – g. 2 – how would that be calculated?

Concern about definition of useable space

Chan – as I understand it the residents that are on Appleton way are concerned about changing the commercial - we could make a change that lessens the impact of what has been proposed – suppose that area was exempted from

Bob – one of the bylaws in town – does not allow access to commercial property thru a residential neighborhood – unless somebody was coming in off of route 109 – on malloy street, the only access to that property would be from route 109. it couldn't be allowed – you are not allowed access to commercial property

Citizen – the intent is to clean it up – this is a huge glitch that needs to be cleaned – we would rather get that done first before doing other stuff

Dana hinthorne – 2 separate articles for may 2009 town meeting –

John – any other input on article 15

Chan – I wanted residents know that you cannot enter residential property to get to commercial property – the fear you have about Appleton way is legitimate

John – that situation needs to be addressed – the combination of c1 and c2 is of concern to you

Greg Whelan – I developed Appleton way – when I got permission to put residential in there it had to be on the approval – I don't really remember

Gino – the zoning can only change at town meeting, not by any vote at planning board

Re; recourse – they could always submit a citizens petition to rezone the area

Citizen – I think these people bought their house thinking it was residential – surprised to find out that they are in c2

Lady - make it ar2 to protect our investment – it is some protection so I don't have to worry about a walmart on that one . . .

John – I think we all understand your concerns –

John – any comments on any of the other articles?

Meyers- on article 16 – any more changes on the tables – you mentioned – the . . .

Record – email note from robert walsh –

Article 18 – proposing a change in the sign application process – right now the design review committee looks at signs – we don't get the applications until the process is almost complete – they have already figured out the design – not open to changes – we are proposing to have them come to us prior to filing their sign permit application – come to us earlier in the process so it doesn't cause any delays – and that way they can incorporate the suggested changes –

Chan- question for Gino – for his input – one of the things that has made this onerous for the people to make both sides the same, suppose an intermediate step was taken so that the lines for the district were redrawn so as to not include any residential property to redraw the line on the south side to not include any residential properties –

Gino – we can't do it at this town meeting

Chan – how did this line become as it is now?

Gino – not clear . . . how it came about . . .

Rick messina, orchard street – I am having a hard time understanding why you feel this will be a big deal to offer two articles at a future town meeting – I think it would make everything clearer – I don't understand why we can't put it all together –

John Schroeder – I feel obliged to address this – there are people that own commercial property on route 109 who might want to see more development potential – we have heard very clearly what you have said tonight.

John Schroeder – we are seriously going to discuss this and work on it . .

Karyl – what are you taxed as?

Neighbors – residential

John – we understand that you do feel strongly that you want us to put it off

Greg Whelan – I think if somebody wants to do some homework, when I got the approval for residential I think that was one of my conditions – 1994/95.

Motion to close the public hearing – chan, karyl – all yes

Franklin Creek paving – my understanding that you can't get an extension past nov 15 – it was supposed to be paved today but it had to be held off because of the rain – the engineer was there – and the DPS superintendent was there today – they have seen the prep work – hopefully tomorrow will go smoothly – if it doesn't happen tomorrow, if I wait until the rains and wait until next week – all I am doing is putting down the binder coat so contractor can get building permits – I understand

Karyl – it needs to be above 40 degrees –

I understand you couldn't do it after nov 15 – it rained today, they can't pave it tomorrow – so I got another company – if I do have a problem tomorrow, then the 15th has come and gone and it is raining –

Karyl – If the weather

Bob – as long as it is a minimum of 40 degrees and onsite inspection

Chan – move to give him to November 30 – for franklin creek, seconded by bob; all yes – karyl recuse

Susy – does this only apply to this one project or others

Bob – motion that this policy would apply to any project this season, seconded by chan – all yes – karyl recuse

Country View – very close, not quite thru with Jimmie – couple of things – concom meets Thursday night this week to get their sign off – couple little things with the as-buils – I haven’t been able to get together with him to go over the list - I would like you to vote to reduce phase II down to \$35,000 – but I can’t get the money until I get final sign off – I believe I can come in

Motion to allow reduction – with stipulation that pb will hold the check to allow for – chan – all yes . . .

Article 14 –

Bob – I would really caution about reducing any parking requiements near 30% - good to have some flexibility – we need to be very cautious - -

Susy – it would be taken care of during site plan process

Gino – one way to handle it is to look for a designated area that could be targeted for future parking expansion -

Motion to approve article 14 – chan, bob – all yes

Article 15 –

Chan – what is the advisability of our changing the lot line zoning on the south side of route 109 to conform to property lines as opposed to the random line it seems to be now – it doesn’t appear there is any kind of advantage to keeping it the way it is –

Gino – I don’t think there is any detrimental effect

Chan – given that, I would suggest we fix commercial district II lines at the may town meeting –

Motion to withdraw article 15 – chan, karyl seconded - all yes . .

I would suggest that the board would make the change in the lot loine confitureation at the may town meeting 2008 –

Article 16 – use tables

John – some comments from audience and see how they were getting mixed up –

Karyl – intent is that they are only for streamlining – they are inherintelty

Bob – I think it provides a good roadmap

Susy – I think we need another go at this . . .

Gino – I don’t understand why town counsel feels it has to be part of the zoning bylaw

Susy – we asked for further clarification in the

Moiton – bob – withdraw article 16 at this time – seoncded by karyl – all yes . . .

Article 17 – sign surface area

John – I am concerned about colored

Chan – move approval of article 17 – seconded by karyl – all yes

Article 18 –

John – any objections from building inspector

Motion by bob, seconded by chan – all yes . .

Article 19 –

Bob – by bringing this under special permit requirement s- it does mean we wouldlook at impacts on upstream and downstream neighbors as well as other eviews for site drainagne, etc. – borders to adjacent residences and the like – traffic reviews and all the

other reviews the pb – I think this is a lot to the good – it does provide an awful lot of flexibility to the owner

John – I am still concerned about the maximum total number

Gino – 6-7 acres – more than 1/3 of the site is wetlands – so 84 units is a maximum and that is by special permit and he has to demonstrate the need for those -

Bob – no entitlement

John – I heard from the abutters – their concern about a future board

John – it is limited by the parking requirements

Bob - We do have parking requirements that would limit the size – that would reduce it to 45 units –

Susy – look at gino’s further suggested revisions

Gino – he was opposed to the statement that “In no case shall the amount of commercial space in the original mill building be reduced due to conversion into housing.”

Wallace Arthur – concerned about wetlands

Authorit for john greene to speak at town meeting as a property owner

Motion by karyl – to approve article 19 as further revised by gino in 11//6/07 version with removal of “in the original millbuilding” in both locations in 4 b. – bob seconded – all yes
..

Partial release of covenant for unit 1 in building 1 of Pine Ridge -

John recuse –

Motion by karyl, seconded by chan – all yes . . .

Motion to adjourn – bob, karyl – all yes

10 pm

Medway Planning Board
Special Meeting
Monday, November 19, 2007
Medway Middle School – Room 120

BOARD MEMBERS PRESENT: Andy Rodenhiser, John Schroeder, Chan Rogers, Karyl Spiller-Walsh; Bob Tucker

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant; Town Counsel Barbara Saint Andre.

The meeting was called to order at 7:15 pm.

Article 19 – Mill Conversion Subdistrict in AUOD Overlay District

Andy Rodenhiser explained that he had just met with members of the Finance Committee to provide answers to the questions which arose on 11-14-07 when Susy Affleck-Childs had briefed them on the various warrant articles. A copy of the informational handout dated 11-19-07 that he provided to the FINCOM was distributed to Planning Board members. SEE ATTACHED. A revised version of Article 19 was prepared by Gino Carlucci and Susy Affleck-Childs which addressed some of the issues. SEE ATTACHED. Andy reported FINCOM members were now comfortable with Article 19 as revised. However, since there was not a quorum of FINCOM members present, the Committee could not change its recommendation to dismiss Article 19 it voted on 11-14-07.

Town Counsel Barbara Saint Andre reviewed the revised text for Article 19 and indicated that the proposed revisions were reasonable and would probably not cause any objection from the Attorney General's office.

A motion was made by Bob Tucker, seconded by Chan Rogers, to recommend Town Meeting approval of the revised Article 19, dated 11-19-07. The motion passed unanimously.

Article 14 – Parking Regulations

Susy Affleck-Childs noted that a question had been raised since last week's public hearing whether the new parking regulations applied to residences, particularly item h) which prohibits a parking design whereby cars could back out of a parking space directly onto a public way.

After discussion, the Board agreed that single family and two-family homes should be exempted from the new parking provisions.

A motion was made by Karyl Spiller-Walsh, seconded by Bob Tucker, to recommend Town Meeting approval of a revised Article 14, by inserting a sentence as follows: *These provisions shall not apply to single family and two family residences* at the end of the opening sentence in paragraph 6. The motion passed unanimously.

Planning Board members then attended the special town meeting which convened at 7:30 p.m. and adjourned at 8:45 p.m.

A motion was made by Karyl Spiller-Walsh, seconded by Bob Tucker to adjourn the Planning Board meeting. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

ARTICLE 19 – Additional Revisions

Add a Mill Conversion Provision to Adaptive Use Overlay District Bylaw

Add a new Section 4 and renumber subsequent sections accordingly:

4. **Medway Mill Conversion Subdistrict** – The existing Medway Mill building and property within the Adaptive Use Overlay District present unique features and opportunities as part of the district. In addition to the purposes listed in Section 1, the Mill property provides an opportunity to promote diverse housing types and to encourage sustainable mixed-use development. In recognition of these unique features, there is hereby created the Medway Mill Conversion Subdistrict within the Adaptive Use Overlay District. The Subdistrict shall consist of Parcel 7 of Assessors Map 5G. The following provisions shall apply to the Medway Mill Conversion Subdistrict:
 - a) Permitted uses - In addition to the uses specified in Section 3, multifamily dwellings, with an average bedroom count not to exceed 2 per unit shall be allowed by special permit within any of the existing buildings or within a new building(**s**) on the premises.
 - b) Residential density shall not exceed 12 units per acre, exclusive of any wetlands, as determined by the Conservation Commission. Residential space, by square footage, shall not exceed 25% of the usable building space on the premises, **and the amount of commercial space at the time of adoption of this section shall not be reduced due to conversion to housing** unless the Planning Board determines that a greater percentage **and/or conversion of commercial space to housing** is in the best interests of the Town as evidenced by a documented need for the type of housing proposed. ~~In no case shall the amount of commercial space in the original mill building be reduced due to conversion to housing.~~
 - c) Building coverage shall not exceed ~~the greater of 30% of the lot or~~ 1.25 times the footprint of buildings existing as of the date of adoption of this section.

And add the following to the end of the sentence in Subsection 7 (a) [*to be renumbered as 8 (a)*] “or 4. a).”

NOTE – Premises – A lot together with all buildings, structures and uses thereon.
(Page 6 - Medway Zoning Bylaw)

NOTE – Footprint is not the same as total building area

Medway Planning Board
Regular Meeting
Tuesday, November 27, 2007
Medway Town Hall

PRESENT: Karyl Spiller-Walsh; Bob Tucker; Chan Rogers; Andy Rodenhiser (7:25 p.m.)

ALSO PRESENT: Paul Carter Carter, VHB; Susy Affleck-Childs, Planning Board Assistant;

As Andy Rodenhiser was running late, Bob Tucker called the meeting to order at 7:06 pm.

Chan Rogers– I am a stickler on this. Being the ranking member, I should run the meeting.

NOTE – Chan Rogers assumed the role of acting chairman to begin the meeting.

INVOICES

\$112.50 for PGC Associates for plan review services for Daniels Wood. Motion by Karyl Spiller-Walsh, seconded by Bob Tucker to approve payment. All YES. Developer Funds.

\$1,237.50 for PGC Associates for consulting work on zoning articles. Motion by Karyl Spiller-Walsh, seconded by Bob Tucker to approve payment. All YES. General Fund expenditure.

\$ 6,425 for PGC Associates (including subcontractor Kevin Wittman/Inframation Networks) for 43D Expedited Permitting project. Motion by Karyl Spiller-Walsh, seconded by Bob Tucker to approve payment. All YES. Grant funds.

Susy Affleck-Childs – If anyone wants to take a look, I have a notebook on the recommended permit tracking software from EnerGov Solutions.

Franklin Creek Subdivision – Bond Estimate and Request for Lot Releases

Susy Affleck-Childs – The developer has not yet completed all the minimum construction items per the *Subdivision Rules and Regs* before the PB will authorize lot releases. They would like to come back at the December 11th meeting. They expect the drainage system will be complete by then.

A motion was made by Karyl Spiller-Walsh, seconded by Bob Tucker to postpone this to the next meeting on December 11, 2007. All YES. Approved

The Meadows –As-built plan/street acceptance plan

Paul Carter – We have reviewed the new as-built/street acceptance plans prepared by GLM Engineering. There are a couple of driveways that go across the property lines of adjacent properties. They need to provide easements on 3 lots.

Chan Rogers – They are going to have to give more information.

Paul Carter – Rob Truax of GLM says he feels this is a matter for the individual home owners to deal with.

Chan Rogers – They have to remedy the problem.

Karyl Spiller-Walsh - Correct the driveways or arrange for easements

7:25 p.m. - Andy Rodenhiser arrives.

Chan Rogers – Inaction is not a solution.

Paul Carter – Also, the fire alarm has not been installed yet. They said they gave an OK to the Fire Department to install but it hasn't been done yet.

Susy Affleck-Childs – I will call Wayne Vinton and ask about that.

AGREED – To send them a letter emphasizing what has to be completed.

Paul Carter – There are other shortcomings on the plans. They need to provide the geometry on it, more than just a width along the brook. What do you want to do, require both as-built and street acceptance plans?

Susy Affleck-Childs – Street acceptance plan goes hand in hand with the deed conveying the road to the town and is recorded. The as-built plan is more of an in-house document for the town.

Chan Rogers – Each comment from the VHB letter must be satisfactorily addressed. Leaving the abutters to solve the (driveway) problem is not a solution.

Paul Carter – They have a citation from the Mass Architectural Access Board.

Susy Affleck-Childs – They have to resolve this matter before the town will accept the streets. Otherwise, any problem is the town's responsibility. I believe there is also an open space parcel that needs to be conveyed.

Paul Carter – What about the as-built and street acceptance plans. They would like to combine.

AGREED - OK to submit one sheet that combines all the information that is needed.

Susy Affleck-Childs – It should be label as street acceptance and as built plan.

Karyl Spiller-Walsh – Could we have a plan here to look at? I would like to see where the problems are.

Paul Carter – I have a copy of the plan here

Karyl Spiller-Walsh – Where is the open space?

Certificate of Completion – Medway Commons

Karen Johnson, Charter Realty and Development

We are the developers of Medway Commons. We are requesting a formal certificate of completion for the project. We asked for this in August 2006. You held off in an effort to try and resolve the matter with Foxborough Transport. We are very pleased with the outcome of the plaza. The holiday lights look especially great right now.

The outstanding issue is related to Foxborough Transport. They were a subcontractor to two different general contractors working in Medway at the time - our GC for the site work and a sub-contractor on the Walgreen's construction across the street. These two projects happened at roughly the same time. We had obligations for off-site improvements which Foxborough Transport did. On the Walgreen's side, Foxborough had some work to do with paving and drainage. They did a good job. What happened is that during construction, Foxborough Transport would ask for a police detail and not specify which project it was for – Medway Commons or Walgreen's. I understand that was no system by the Police Department to break out the work. A year and a half ago in August 2006, the Town Administrator said there was an outstanding bill. We said we don't know that those bills are for our project; they could be for Walgreen's.

Chan Rogers – What work did they do for you?

Karen Johnson - Foxborough Transport was responsible for off-site work in Route 109 – infrastructure, curbing and drainage.

Chan Rogers – And the Town is looking for reimbursement on the police details.

Andy Rodenhiser – Somewhere along the line, someone has acted fraudulently.

Karen Johnson – I also understand that Foxborough Transport wrote a check and the check bounced. Another issue is that the Town did not properly record a check from Shaw's that had been paid for police details. It isn't clear but I don't believe we have any responsibility. There has never been an accurate accounting of who paid what and when it was paid. During construction, Foxborough Transport would get behind on their bills for police details. We would get a call from former Town Administrator Greg Balukonis who said money was needed to keep the job going. This happened on 3 occasions - some was paid by Lopes, the general contractor.

Some was paid by Shaw's. Quite frankly, it is troubling that we have been held up. We have never received any formal correspondence from the town that there is an outstanding bill. I understand the dynamic here, when the town provides a service and doesn't pay a bill, you have the authority to go after them. For us, the reason we seek the certificate of completion is just to have some closure. We have done everything we were supposed to do. The Town's public works department had an issue with the Mass AAB related to the Route 109/Holliston Street signal. A portion of the signal was out of compliance with AAB regs. It was not our part of the signal, but we provided engineering services to help Dave D'Amico appeal it to AAB. Our road improvements have been approved by the BOS. I understand there is a desire to turn to someone to get the bill paid, but we have never been provided any correspondence regarding this bill. The Town signed off on all the off site work 3 years ago last July.

Chan Rogers – Typically when a subcontractor who doesn't pay, the GC pays.

Karen Johnson – Yes, that is right. When we were made aware, a check was brought to the Town and was paid. LOPES had some control over Foxborough Transport. But we don't know if the bills are related to our project or Walgreen's. Our obligation for police details ended on July 2004 when the signal and road improvements were approved by the BOS. We have been very reasonable about these things. We have tried to go thru Lopes and they have tried to get Foxborough Transport to pay up.

Andy Rodenhiser – The beneficiary of these details is you.

Karen Johnson – I don't know if that is true.

Karen Johnson – Also, Shaw's has a letter of credit that has never been released by the Town.

Susy Affleck-Childs – I had understood the letter of credit expired.

Karen Johnson – Letters of credit don't expire. I would love to see all the accounting. In May 06, the Treasurer's office was asking Shaw's for verification that \$12,000 + was paid. There is no documentation from the town. We have asked for it several times. I asked for documentation in October 2004 to verify that we had an outstanding bill and I got nothing. That was 3 years ago. The answer then was if you want your bond released, you will pay up.

Andy Rodenhiser – I would like to have copies of what you have.

Karen Johnson – There is no relationship between the 2 issues. Have we complied with our permit obligations?

Andy Rodenhiser – It is not clear whether it is related to your project or to Walgreen's.

Karen Johnson – We have not gotten any response.

Andy Rodenhiser – Well, there is a court judgment for \$20,134 against Foxborough Transport.

Karen Johnson – None of this information has been provided to us. That is frustrating to me.

Andy Rodenhiser – What if we were to take another 3 weeks to try to figure this out, to try to get some resolution. I understand you don't think there is a connection but the beneficiary of this is the developer of Medway Commons and the property owner.

Chan Rogers – Legally, the GC is responsible for this bill.

Andy Rodenhiser – All of these things are connected. I think we should at least exhaust all mechanisms to try to collect the money that is due.

Karen Johnson – The TA never asked us to come in and have a forum with the BOS. This is not your issue to resolve. There is a bond posted for it and a number of steps could have been taken.

Chan Rogers – Those are all administrative and financial details.

Bob Tucker – We are a very small part of this.

Andy Rodenhiser – You are asking us to grant a certificate of completion. It isn't complete unless the financial details are worked out.

Karen Johnson – I have no formal correspondence from the Town of Medway; my only contact has been verbal conversations. There has been no actual representation that there is an issue considering that every time something was asked of us, we responded. This shouldn't be addressed by you.

Karyl Spiller-Walsh – You are trying to circumvent.

Karen Johnson – We never posted a bond. LOPES posted a bond with DPS (street opening permit) and Shaw's posted a letter of credit bond for the overall Medway Commons project when we wanted an occupancy permit to allow Shaw's to open.

Andy Rodenhiser – A lot of the feedback you have given us over the years we have incorporated and we have made changes. I am sorry this is still an issue. Could you please give us a couple of weeks to investigate?

Karen Johnson – I don't have much choice. On each one of our projects, we like to have a full record of sign offs. We think it is good practice to have that. That is why I am here. I started this process as soon as CVS was completed.

Andy Rodenhiser – I can imagine at some point a lawyer would want to see all this.

Karen Johnson – We are a small company, we don't really do that. But we like complete records. So when is your next meeting?

Andy Rodenhiser – 2 weeks – December 11th

Karen Johnson – Do you think there is anyway this could be addressed by then.

Andy Rodenhiser – I will go to the TA tomorrow and go up and meet with the police chief to find the paperwork.

Karen Johnson – You shouldn't have to do that. It is ridiculous.

Chan Rogers – Small town governments are not the model of efficiency.

Karen Johnson - I understand that.

Andy Rodenhiser – There are some problems that need cleaning up.

Chan Rogers – I made a personal inspection of the whole area this afternoon. It looks great.

Karen Johnson - I would think you would be happy to sign off on this.

Karen Johnson – Also, the building inspector requested a recent certification from a landscaper that the plant material is all in. We have provided that.

Karen Johnson – We also figured out a way to address the problems in the area adjacent to CITGO station.

Karen Johnson – I have a conflict on the December 11 which I cannot reschedule.

Susy Affleck-Childs – January 8th would be our next meeting.

Karen Johnson – If in the interim, Suzanne has any questions, please let me know.

Susy Affleck-Childs – Suzanne had asked for the contact information on LOPES. Please email me the contact information on LOPES and I will forward it to her.

Karen Johnson – Thank you very much.

Country View Estates – Status Report

8:10 p.m. Greg Whelan

Bob Tucker – Is it done?

Note - Susy Affleck-Childs distributed a note from DPS Highway Foreman, Jimmie Smith stating that all work is satisfactory.

Andy Rodenhiser – Paul, has everything been done?

Paul Carter – It looks like Jimmie Smith is satisfied.

Bob Tucker – Please give me a response one way or another.

Paul Carter – The as-built plans are not done and there may be some bounds that are not done.

Greg Whelan – We are still working on the as-built plans. I feel as though there shouldn't have to be two separate plans for street acceptance and as-built. We are diligently working on those.

Andy Rodenhiser – Do you see any reason these can't be resolved?

Greg Whelan – I have 3 issues with VHB's 11/26/07 letter on the Broad Acres as-built plans.–

1. Arc length – what is it?

Bob Tucker – It is needed to mathematically describe the area.

Andy Rodenhiser – I am concerned that your engineers don't know what an arc length is.

Chan Rogers – It is more likely that he (engineer) just missed it.

Bob Tucker – Is this required in our regs?

Chan Rogers – Property line arc length should be listed.

Greg Whelan – Is this pavement arc length?

Paul Carter – I believe the requirement pertains to the right of way and property line. This is a former comment from Mark Louro in an earlier review.

Bob Tucker – It is a question of the area of the impervious surface.

Paul Carter – It needs to be included along the right of way.

2. Existing drainage system and easement on Olde Surrey Lane. There is nothing on Olde Surrey Lane itself; it is all in an easement on lot 18.

Paul Carter – There is a drainage catch basin and pipe that is outside the easement and that needs to be remedied.

3. Profile limits on sheet 1 and 2 should be the same as the plan limits on each sheet.

Paul Carter – It is saying the profile limits on sheet 1 don't match the plan limits.

Bob Tucker – It is good practice that would dictate that they be the same. . . . but at this point, if the limits shown on the profile and the plan are different, that is OK.

Chan Rogers – As long as they are fully shown.

Bob Tucker – I agree – from a convenience factor, they should, but it is not necessary to change the plans now.

Andy Rodenhiser – It sounds like there are 2 things that we could provide some leeway on:

1. profile limits being
2. cul de sac pavement dimensioning as long as property lines are shown

AGREED.

Paul Carter – That is fine. What about the easement? Are you saying there is no drainage in Olde Surrey Lane?

Greg Whelan – That is what I was told. We will certainly show sewer services.

Paul Carter – On Broad Acres, what about the punch list items on that?

Greg Whelan - Jimmie Smith's note is that he is OK with everything on Broad Acres Farm Road and Stable Way.

Paul Carter – What about the bound issue at the end of the cul de sac?

Greg Whelan – It will be uncovered.

Greg Whelan – CONCOM has been putting me off on their certificate of compliance for Country View Estates. They will look at it this Thursday night, November 29th.

Paul Carter – You need to look at the regs for what has to be on the as-built and street acceptance plans. It has to include a surveyor's certification and signature boxes for PB and BOS.

Andy Rodenhiser – We are trying to work with CONCOM as we move forward for them to use the same engineer we have looking at the site work to also serve as an agent for the CONCOM and do their inspections.

Susy Affleck-Childs – I need guidance on the last bit of bond from phase II of Country View. At the last meeting, you agreed to have me go ahead and process the bond reduction and then hold it pending the outcome of tonight's status report. The final details on as-built and street acceptance plans are what we usually workout during the period leading up to town meeting.

Motion Bob Tucker, seconded by Karyl Spiller-Walsh to authorize Susy to release the bond reduction check for approximately \$18,000 to Greg Whelan. All YES. Approved.

Greg Whelan – I have one other thing I want to talk to you about. When I can come in here after Paul Carter says it is all for acceptance, in my mind it is all one. Can we reduce that bond even further instead of four separate bond accounts with \$35,000 minimum in each one?

Andy Rodenhiser – The question is whether the repairs will take. We said earlier to let it go thru the winter and see. I would like to wait and put it on for the May town meeting.

Greg Whelan – I think it should be cut in half to \$70,000. that would help me out immensely.

Andy Rodenhiser – We should talk with Dave D'Amico and see what he thinks.

Karyl Spiller-Walsh - If we could cite where the problem areas are that we need to look at, that would be good.

Greg Whelan - One real issue is in phase I of Country View Estates from Summer Street up to the bridge/wetland crossing. I would like to see the 3 bonds for the 3 phases of Country View Estates condensed into one bond and then keep the other one for the Broad Acres subdivision.

Susy Affleck-Childs – This is your decision to make, not DPS.

Andy Rodenhiser – We should at least get input from him, so that we have enough to deal with the areas of concern to him.

Speroni Acres – Request for Bond Release

Susy Affleck-Childs - We have received a formal request dated 11-19-07 from attorney Louis Caccavaro on behalf of developer Owen Sullivan to release the bond for the Speroni Acres subdivision (Little Tree and Rustic Roads). Mr. Caccavaro is the third attorney Mr. Sullivan has retained to assist in closing out the Speroni Acres subdivision. The letter invokes the provisions of the subdivision control statute requiring the Planning Board to respond within 45 days. This is one of our long standing subdivisions where we have had considerable back and forth over the years.

The Board reviewed a packet of background materials prepared by Susy. VHB's last communication regarding Speroni Acres is a review letter dated 6-8-07 in response to materials submitted on May 1, 2007 by Mr. Sullivan's former attorney, Mike Paolini. That was followed up with a letter dated June 27, 2007 from Andy Rodenhiser asking for a status report. Mr. Sullivan has not responded to either communication. The packet also included an email communication dated 6/15/07 from DPS Director Dave Damico, miscellaneous VHB inspection reports from August 2006, VHB's May 14, 2004 review letter re: as-built plans from April 2004, and the DPS punch list from 2-28-04.

Andy Rodenhiser – We need to respond to this and document conditions and communications. We should send a copy of the letter to the insurance company that holds the bond just to get them up to speed and on notice and tell Owen Sullivan what is required of them. We should also cc town counsel.

Medway Senior Center – Site Plan Endorsement

Susy Affleck-Childs – The site plan documents have been reviewed by VHB and are ready to be endorsed. The changes required in the site plan certificate of approval have been included.

Chan Rogers – I was – you made them do \$25,000 extra work - the plan cost them \$20,000 more to do – there is a big issue of how you treat the town and how you treat the developer – You do a lot of things for government that is free. Requiring them to have a plan was out of order. I am making point. The building (addition) is unfinished and can't be done now. The \$20,000 that they had to spend on the site plan would have made the building useable now.

Andy Rodenhiser – You voiced this opinion before. We disagreed with you then. Do you remember the trees that were cut down even with a plan? What else might have happened?

Chan Rogers – I didn't say that shouldn't do anything, just said a sketch and not a full plan. You should be sophisticated enough to treat government operations differently in a small town.

Andy Rodenhiser – I disagree, we need a full plan for municipal projects.

Chan Rogers – In many cities and towns, there are special provisions for municipal projects.

The Board endorsed the site plan documents prepared by Dixon Salo Architects, of Worcester, MA, dated 5/9/07.

Discussion 2-4 Main Street Site Plan Inspection Reports

Susy Affleck-Childs – We have a more detailed inspection report from the developer's engineer, Merrikin Engineering, dated 11-26-07. Just as a reminder, the PB agreed to not require construction inspections by the Town's consulting engineer and to allow the applicant's engineer to do so and provide reports. There is also a letter from Bob Potheau received today addressing Andy Rodenhiser's 11/13/07 letter re: construction work at night and the quality of inspection reporting.

Bob Tucker – They are blocking the sidewalks with their materials. Are there any requirements when there is blockage of a sidewalk by storage of materials? Does Medway have such?

Chan Rogers – They are storing materials and equipment on the public sidewalk?

Susy Affleck-Childs – Is the November 16 letter satisfactory? Does this give you the detail you wish to have?

Chan Rogers – I would argue that it is.

Bob Tucker – My only recommendation would be as we go forward is if we have the owner's engineer perform inspections, we should provide more specific direction on what is to be inspected, etc.

Andy Rodenhiser – I thought the work on MetroWest Auto was substandard and I was concerned. I wish we had not allowed them to have their engineer do the inspections.

Bob Tucker – The stone wall does look good.

Susy Affleck-Childs – Bob Potheau is very proud of that.

Andy Rodenhiser – I literally saw them doing work at night and then again I saw the lights.

Bob Tucker – I saw them out there at night from time to time.

Andy Rodenhiser – Should we have the engineer stamp the letter?

Chan Rogers – Yes. That is a testament to the engineer's opinion.

NOTE – Susy should respond with a follow-up letter.

Town Meeting Action Plan

Chan Rogers – I thought it (11-19-07 special town meeting) was fantastic. Everything passed!

Andy Rodenhiser – I think we are going to really have to hold Mr. Green to a very high standard for the Medway Mill project.

Andy Rodenhiser – Susy and Gino and I met today to review our action plan for the May 2008 town meeting come up with a revised action plan based on what we thought was do-able given the analysis and education that will be necessary.

Susy Affleck-Childs – I will revise it tomorrow and email it to everybody.

Andy Rodenhiser – We are going to need to work very closely with the ZBA on the Use and Dimensions Tables. Joe (Musmanno) has already said he would prepare an email for us of the areas of conflict.

Bob Tucker – I still don't see why it has to be incorporated into the bylaw.

Andy Rodenhiser – Joe's fear that it will create the potential for conflicts and appeals if it is adopted into the bylaw.

Karyl Spiller-Walsh – What does Town Counsel say?

Susy Affleck-Childs – She feels it is better to make it part of the bylaw if a community is going to have one. It becomes a better product because it has to go through a more rigorous vetting if it becomes part of the zoning bylaw.

Chan Rogers - I think it should be kept as an informal document.

Bob Tucker – At least initially, until we can straighten it out.

Karyl Spiller-Walsh – it is a tool,

Andy Rodenhiser – I am inclined to agree with you.

Bob Tucker – I say we should use it to see where the inconsistencies are.

Andy Rodenhiser – Ask Bob Speroni to use this as a tool and find where the problems are.

Chan Rogers – We should make a statement right on it that if there is any inconsistency between table and text, the text governs.

Gino Carlucci – One suggestion I might have if Joe is already planning to identify some inconsistencies would be for Bob Speroni to use this in the meantime as an informal document. He could identify things that are not clear as well.

Karyl Spiller-Walsh – For example, regulating riding stables is inconsistent with state law.

Andy Rodenhiser – Problems with the table will also highlight the problems in the text. Joe is concerned because people could use the inconsistency as a reason to appeal.

Chan Rogers – I say we call it an informal document and then in the interim we work with what Joe says are problems.

Karyl Spiller-Walsh – And reevaluate this in a year.

Andy Rodenhiser – Joe says he has a list. We could try this for a while to see what comes up.

Chan Rogers – We want to eliminate inconsistencies.

OTHER BUSINESS

Andy Rodenhiser – I will be going to FINCOM tomorrow night and update them on what we are working on.

Chan Rogers – It seems there is a question about whether zoning articles go to FINCOM.

Andy Rodenhiser - They do now but in the proposed charter on page 9, any article that has a public hearing doesn't have to go to FINCOM.

Proposed Medway Charter Discussion

Chan Rogers – They have added economic development to the title. Does this complicate anything with state statute?

Gino Carlucci – It is still a planning board and the duties it has are established in state law.

The Board reviewed some notes prepared by Susy identifying several areas in the proposed charter that might be problematic.

1. The Planning Board's Annual Report is to provide estimates of construction. Susy checked the state planning statute and that is the exact language specified.
2. Master plan shall consider the community's human services needs.

Susy Affleck-Childs – I am not really sure what costs means – construction costs, increase in assessed value, fiscal impact? Larger towns would have the staff to run numbers on fiscal impacts of projects.

Andy Rodenhiser – I think what was being intended when the statute was passed was that towns would be building infrastructure and the Planning Board should provide information to the public about those costs. Maybe the statute has outlived its original intention.

Chan Rogers – What is the general feeling on the charter?

Andy Rodenhiser – I think it is generally positive.

Chan Rogers – Are they going to allow for any changes to the charter on the floor?

Andy Rodenhiser – I understand it will be very limited.

Andy Rodenhiser – Susy, please get this to Suzanne and to Town Counsel ASAP so they will not be caught off guard when I make these suggestions and copy Mark Cerel on it too.

Bob Tucker – I don't want us to take the human services component out prematurely.

Chan Rogers – The list of BOS appointees does not include an MAPC representative.

DRC Membership

Susy Affleck-Childs – I have resumes of two people who have been participating in DRC meetings – Kelli Ployer and Matthew Buckley. I recommend the PB appoint both of them to the DRC – Kelli as a liaison from the IDC and Matt as an associate member, through June 2008.

Motion by Karyl Spiller-Walsh, seconded by Bob Tucker to appoint Kelli Ployer and Matt Buckley to the Design Review Committee thru June 30, 2008. All YES. APPROVED.

There is a perception that Mickee Whitney the Medway Business Council's representative may have a conflict of interest because of her work at Medway Coop Bank. On a couple of occasions, she has said she needs to abstain from discussion.

Andy Rodenhiser - As long as she refrains from voting, she can participate in discussion

Master Plan Citizen Survey

Susy Affleck-Childs – The Master Plan Committee is getting started. They want to do a citizen survey. I have an overall estimate of \$3,500 to print, stuff and mail the survey with the Town's Annual Census in January. We would use the Town Clerk's voting machines as a scanner to read the returned surveys. You could fund this thru our Contracted Services line item; we have \$3,800 remaining from now thru June 30, 2008. Or, we could request an emergency transfer request from the FINCOM.

It was agreed to go to FINCOM to request an emergency transfer.

Subdivision Rules and Regs

Susy Affleck-Childs – At the last meeting, you mentioned wanting to look at the section of the rules and regs about setting bond amounts and how the numbers are calculated. I have copied the pages from the regs for you to review.

Bob Tucker – My concern is when there is a very small quantity of something. There are some basic costs that have to be covered. Does the pricing reflect this situation? I will look at this and see if there are maybe a few words we could adjust.

Meeting Minutes

A motion was made by Bob Tucker, seconded by Chan Rogers to accept the draft minutes of the 11-19-07 special Planning Board meeting which occurred before and during the special town meeting. All YES. Approved.

OTHER ITEMS

Andy Rodenhiser – John Schroeder has tendered his resignation from the Planning Board effective immediately. His intention is to take up the open space committee as a priority area and he will head up the start up of that effort.

Karyl Spiller-Walsh – At the DRC meeting last night, we started some concept designs for the Open Space Committee.

Andy Rodenhiser – Susy Affleck-Childs and I met with a prospective candidate for the Planning Board vacancy. He is a planner with a formidable resume and a long list of accomplishments.

Susy Affleck-Childs – I have posted a notice about our vacancies on our web site and sent a news release to the Milford Daily News.

Motion Bob Tucker, seconded by Karyl Spiller-Walsh to adjourn. All YES. Approved

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

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

12-11-07
Sanford Hall

Open at 7:02 pm by Andy Rodenhiser

Larry Ellsworth - liaison from FINCOM - will attend periodically,

Bob – it behooves us to start to look at – with the charter moving in a positive direction – take a look at our rules and regs so we aren't in any conflict with anything . . . so we

Andy – the human services component of the master plan per state law –

Gino – facilities and services is actually part of it – I am not aware of any town really addressing human services – slight mention – dev goals will help support – I don't think it is appropriate or a function of the pb to develop a detailed plan for how to approach human services – not part of a PB's responsibilities

Andy – how is human services defined? How broad to draw a distinction – veterans, elder, youth, recreation? The context should be facilities and infrastructure to support such . . .

Andy – also we need to look at impacts of development projects

Susy – fiscal impact – something that planning boards/departments

Election of Vice Chairman

Andy – we had to accept the resignation of John Schroeder who was our vice chair – we thank him for his service –

Karyl – motion to nominate Bob Tucker for vice chair

Bob – I am OK with that

Andy – is there a second

Andy – I will do so

Vote – 3 yes – 1 abstain

Medway Commons –

Andy – Karen Johnson had come in before at last meeting - Karen has provided documents; spoke with Melanie Phillips – appreciative that we haven't signed off – implores us to not do so until town collects the money – she has much data – send a quick note to Karen, Melanie is putting together some copies

Bob – have you had a chance

Andy – provide this info to Melanie – ask her for direction –

Andy – note to Karen –

Franklin Creek Subdivision –

Dave Pelligri – Tetra Tech – to date, they are almost at the bond estimate – put the binder down, installed majority of drainage and utilities – we prepared the bond estimate a couple of weeks ago – but at that time, there was still portions of the drainage not installed – striping, street signs – things not complete

Andy – stone piled on Franklin street

Brian cravens
Susanna

Dave – the only thing that is outstanding – stormwater is not complete at this time

Brian – only 2 things are the signs – that is all ordered, we will go to same company that medway uses – should be in tomorrow – not a major installation at all; then the one other thing is the completion of the drainage system, we finally got the components in – we are at 75% now, by the end of the week or next week we will be at 100% - we got one in today and got started on the second one and then the infiltration system, - no guarantee with weather . . . that will be the last component

Karyl – I stopped by today – this is one of the best jobs I have seen – trees on the site – best consideration and the neatest work around the trees – it looked great – it really is appreciated – no trees are injured – beautiful

Brian – I wasn't required to do that

Andy – I think residents when they move in appreciate

Dave – stop line?

End up between \$60-80,000 –

Bob – motion to set bond – work to be certified by TTR, final bond amount to be determined - \$116,519 minus the work to be completed – 25% contingency; mass highway pricing – seconded by karyl – all yes . . .

Dave – I will modify the bond amount . .

Board signed lot releases . . . for all 3 lots . . for susy to hold.

Surety bond – will have it reviewed by town counsel and treasurer's office

Invoice

2116.17 – TTR – Franklin Creek – motion by chan, bob – all yes

Announcement

Andy - Mark Louro will now be taking Paul's place at VHB, paul has left – I talked with Paul and wished him well on behalf of the board –

ANR for stable way –

Gino – y minor issues – rules and regs require

Greg – we are separating the back land – the way it has been since I purchased the property – this is just being cut off here – they are just going to hold onto this thinking that something might happen in the future

Chan – why 20' right of way?

Greg – that is what paul desimone made it - it's nothing more than a foot trail to get to the back land to cut trees

Karyl – it is an easement over the lot

Greg – yes

Bob – the problem I have . . while gino has called out a number of items are specific in nature – clearly defined requirements that need to be on the drawing – that information needs to be on the drawing – the fact that signature blocks need to be flexible – I don't have an issue with that – but . . they need to be here . . .

Greg – some of them are . . I was with Paul – some of these things are ridiculous – they

#2 – zoning district

Greg – should it say it is not a scenic road?

Gino – OK

Greg – 61A reference – we added this in . . .

Andy – Bob’s point is that these things should be taken care ahead of time – follow the rules

Susy – it is not Paul’s place to decide whether he likes the rules or not . . .

Greg – the messenger is being shot in the foot right now – I am just helping dottie out –

Andy -

Gino – the revised plan has everything that is needed – the changes I had asked for have been made –

Chan – where is lot 31A and B which are referenced on the plan

Greg – A and B were on the original def plan – because part was in midway and part was in Holliston

Bob – I don’t want to see you get caught in a bind – I think the triangular piece should be identified on its own

Greg – there is no pressure to do this . . it can be done next month

Greg – I will just have Paul add that

Karyl – it is not really our problem . . .

Motion to accept – bob, as submitted tonight – chan – all yes –

To sign later tonight . . .

ANR – 46 Hollisotn Street

Ted Cannon
Theresa Tiernan

Chan – if the ZBA approved the variance,

Gino – it has been listed with the assessor's office as two separate lots –

Ted – there was no followup ANR plan done after the variance was approved

Andy – looking for approval of the back lot –

Bob – motion to accept and sign off – chan – all yes –

Gino's letter –

Ted – I will drop off the mylar –

Board will have to come in to sign

Street Acceptance Fee

Bob – any kind of w

Chan – each project is different –

Karyl – problems reflecting back – have had issues that are more construction process and the bonding process - I think we are confusing here . .

Andy – once we are past all that, we then have to provide a report to the BOS that it is

Bob – another – I would like to hear from Dave on how much time is involved – I think it would be worthwhile to collect some info from them how much time it takes them to – site visit – looking at paperwork that has accumulated – I think we need to have an idea of how much time they are spending – however they quantify that

Andy – what would we do with that information?

Karyl – it is part of their job – to go out and OK

Andy – they don't have a problem doing that – we are asking to do a bit of a time study –

Chan – you have to verify what is in the ground – the recent ones that have been reviewed – on anything that we don't know –

Gino – this is part of the difference between an as-built and a street acceptance plan – that may be causing part of the confusion – the acceptance of the as-built plan – town counsel - it could probably become a fairly routine thing – whereas the as-built plan process – the routine administrative process that has to be done at the end – recovering

Larry – what do other towns?

Karyl – I don't want to do it at all . . .

Andy – what if we brought you - fee needs to reflect true cost of what the service – we should ask them - ask people involved some estimate – talk with Barbara on some hourly cost associated with –

Larry – we want to make sure that – estimate of time spent

Andy – each department – what we do here in Medway

Karyl – it is totally arbitrary and capricious – this list . . .

Susy – broader issue of how we determine fees in general – DOR booklet – pricing municipal services

Larry – similar to our discussion on water rate study –

SUSY – send fee structure to Larry

Merrikin Engineering – has provided us with a stamp on his letter –

Chan – he has moved the storage off the sidewalk

Candidates –

Bruce Hamblin – municipal planning experience

Tom Gay – he had volunteered previously to help the town implement a GIS program – very smart guy – he serves on all kinds of committees with Factory Mutual Insurance Co

Karyl – when we first started the initial meetings of DRC – Bruce came in on those early meetings – we got to know him pretty well, - I know matt bucklye – excellent on the DRC – we have admired him an awful lot – I have mentioned the vacancies to him, he has never said no, he is considering it –

Andy – would you ask him – in or out so we can him consider or not?

Bob – is this something we could have the applicants come in and talk with us?

Andy – bruce,

Karyl - I think it would be a good idea if you or susy sent him an email to see if he is interested – I think he would be effective
Chan – interview the candidates

Special meeting – dec 18th for intervciws . . .

Habitat for Humanity - SAC letter to BOS re:

Chan – 40B backlash going on; towns have used zoning to keep out people because they can't afford the schools – historically towns have used big lot zoning to run up the price of housing

Gino – they have gotten ballot signatures to put it on - also legislative efforts to revamp it

Andy – government is screaming for workforce housing – so people can afford to live in the community

Gino – report on meeting with Medway Coop – regarding possible redevelopment of their land next to papa ginos – for an assisted living facility – not an allowed use in the current C1 district – we discussed with them the idea of adding it as a use within the C1 overlay – mutual benefit – viable, high quality building

\$13-15,000,000 investment – architecture would be comparable to the bank building – they would want that

Andy – minimal parking

Bob – how would that fit in with our C1 plan?

Gino – very well, it adds housing to the area – assisted living tends to lean toward a single building –

Karyl – mission springs in Holliston is not what I would want to see – yet there are some very beautiful design options for assisted living – does it count toward affordable?

Karyl – could we require that some be affordable?

Andy – they might not come to town if there was an affordable component

Andy – looking to bridge between Foxboro and Ashland

Andy – they want us to make a zoning change to make it an allowed use

Chan – does it need a zoning change?

Gino – yes, a change to allow that use in the Commercial I district –

Chan – I think it is a good idea – that site is definitely going to be inhibited by business activity around it – the traffic there is not going to be conducive – I would hope they would not cut down all the trees – special permit process would help – would probably generate the highest value of property of anything that is not pure commercial –

Karyl – going back to the C1 concept plan – we had a rear entry road access designed – maybe we could consider the venture as planners and have them come to us with plans before we even consider making a zoning change - they need to come in with visuals and architectural plans before th

Bob – I wouldn't think they would do that before the zoning

Karyl - all the towns are going to ask the same question

Andy – huge taxable asset, and a lot of people who are not necessarily hospitalized who will walk around - pedestrian friendly access –

Karyl – assisted living is going to be one of the biggest businesses

Andy – if anything we would be better off to address it by form based code – allow by right, but protect design

Karyl – if we change the zoning without seeing what they want to do

Andy – to expect design drawings before is ludicrous – it is not even allowed right now – what is to entice someone to spend thousands of dollars on arch drawings and site analysis – that is a risk that no developer would take

Chan – I agree with you

Bob – I agree too – I don't think a developer would not offer something up ahead of town

Karyl – when Franklin Creek was under review – a 40B developer came in with a design concept that they showed us to fit on that property – they did do an architectural rendition

Andy – one building

Karyl – visual concepts are what I am looking for . . .

Andy – we are trying to consider enabling something like this – do you believe if we were to write the enabling text to allow form based - the bank said they would require it to look like the bank – the market they are going after is that it demands

Karyl – coveted by this town – tremendous advantage to our community – needs to have a real sense of the site

Andy – what would be more advantageous to us – to pass this as an allowed use with form based code or a special permit process?

Karyl – put that to the master plan committee – how do things look?

Chan – specifically what did they ask for? I don't have any problem

Andy – I think they would like it to be an allowed use.

Chan – I don't see any problem with allowing assisted living in any of the commercial districts –

Bob – I would say the same thing – I hate to get ratched into allowing this in just one specific area – maybe somebody else would like to build something

Karyl – if we were sitting here as conceptual planners, and we were thinking in the town of medway, where would we like our first large assisted living facility – is this location our first choice or is it because this particular owner has come before us right now?

Andy – as I think about the amenities that would be necessary and suitability – I would also expect as part of the process

Karyl – I would doubt the walkability issue – my mother in law was in one – van service – not like an over 55 development – most are not near town centers – not much walking beyond the site – to think they will walk is not realistic

Andy – that is what they said is important – attractive – lots of amenities that were walkable to people

Gino read thru the definition of assisted living facility that they provided

Chan – I think you are going to find half the residents don't really need assisted living so there would still be a lot of people that would walk around – mobility may not be an issue for them – some folks live there for convenience – some are campus style – 40 acres – one highrise and separate units spread around campus style – have flexibility -

Andy – village at farm pond in Framingham, also a place in Walpole

Karyl – I am talking about the town of medway bringing in a business like this –

Andy – how does that tie to open space committee?

Karyl – the osc will look at sites

Andy – the land is not for sale –

Karyl – is it actually a good spot?

Andy – the land where the car dealer and village spa, is another alternative or down at the corner – if we enable this, we put 3 property owners in play to consider something like this – if you allow it to occur, it provides an amenity to our citizens – provides a substantial asset that becomes a benefit to the community

Gino – the whole rest of the town is allowed as an arpcud – which needs 10 acres

Bob – are you looking for an opinion on this?

Andy – we are briefing you on this – we pulled the C1 overlay district last time – one of our major goals between now and may town meeting – we should focus on this aspect – we have grant money that gino is owrkingon

Karyl – if I was thinking about alternative site – it would be on the south side near the car dealersip – the inherent problems there need to be addressed – one charaqcteristic ofhte land next to the bank is that the site is quite lovely – concerned about massing of blocks with a project like this. – how it ends up is vitally important

Gino – we showed them the C1 plan idea

Andy – gino and I have met with Corey Finkelstein and he is happy with the set up – he will lease – he only wants cash – anywhere along there I would like to see something . . . We create the enabling legislation first –

Karyl – let's ask them to come up with an idea

Karyl – what would they say in Sherborn

Gino – Sherborn voted a zoning change to allow for an assited living- it was never

Chan – we have been going around the bush here without getting any place – karyl has asked a specific question about a specific site – I think an assited living facility would be good subject to site plan review – medway is going to suffer from what has gone on before – the site we are talking about is a beautiful wooded area – I cannot think of a better use to preserve the site – nice building, no all night lights/glare, it would be appropriate to change the oznign throuth that area to allow assited living as long as there is a site plan – I think it should be changed to allow it

Andy – we will plan some time for it – we will pass it off to DRC for comments for help with crafting whatever proposed legislation we may come up with

Karyl – would it be a special permit where we would have some control?

Andy –I want ot make sure we gather input from different places

Survey moneky – karyl, bob – all yes - \$200

Survey document is very close to being completed . . .

Susy distributed current working draft of survey document

Susy – started with document from 1998 and then added stuff from surveys from other towns

Andy – it isn't so much the – statistically we don't need a huge number – but the more people that participate, the more valid it is – option to do it online or do it

Chan – is it possible to do both

Karyl – a lot of very good questions and issues . . .

Chan – what are we being asked

Andy – tacit endorsement -

Susy – any comments b y 12 noon Wednesday . . PLEASE

Dev Handbook

Gino distributed dev handbook

Andy – would this be the place to put in the matrix of the table

Would like the print style to be changed – with a less decorative style for the section titles

Karyl – all yes – bob, seconded that we run with this . .

Roll call vote to go into executive session for purposes of discussing land acquisition and to not come back to the public meeting and immediately adjourn – karyl, bob -

Kayrl – yes

Bob – yes

Andy – yes

Chan – yes

All agreed

50 Winthrop Street – status on offer to purchase

Owners have accepted a bid of \$975,000 for site –

BOS have voted on it – voting to support

CPC – voted on it to support

John Schroeder – was point person

Andy – one of the concepts that may come from this – a community farm and operate on the land as a farm – roadside stand –

Susy – organic farm idea is being discussed . . .

14 acres –

Karyl - it has a cash crop of hay – we did an idea of 10 acres of producing hay fields –

Andy – nice to see that it is about to happen – something positive happening to spill over to bobby briggs –

Chan – how much does cpc have?

Andy – about \$3.1 million is in our fund - some concern about source of matching funds being available

Motion by chan – to support – karyl – all yes . . .

Motion to come out of executive session –

Chan, moved, bob seconded –

Chan- yes

Andy –yes

Bob – yes

Karyl – yes

9:48 pm

Adjourn – at 9:49 pm

Special Planning Board Meeting
December 18, 2007
Town Hall

Present: Chan Rogers, Bob Tucker, Andy Rodenhiser

ALSO PRESENT: Susy Affleck-Childs

Meeting called to order at 6:09 pm

The purpose of the meeting was to interview candidates for 2 Planning Board vacancies - one regular and one associate.

John Williams

Andy – how is your time

John – we are all fairly busy – I am about to finish up a degree at school and I believe I do have some time to get involved

Andy – sometimes our meetings can go late – maybe not in the next year with the decline in residential housing market – also our endeavor to help develop commercial projects – sometimes we meet more frequently or go late –

John – I have noticed on minutes – it has gone to 11 pm ish – that isn't a problem

Chan – it has been a year or so since we have gone really late. .

Andy – in your engineering background, do you get the opportunity to work with infrastructure?

John – early career – distribution – review underground layouts – spent the last part of my career in the planning department forecasting electrical needs for a specific area – new job as a reliability engineer – investigate outages – I have some familiarity with the building process

Andy – how would a community like Medway go about working a relationship with a power company on easements to do a road along an easement?

John – probably talking about NSTAR now – typically NSTAR would be set up with a real estate department – they have full time people - if it is an active line and access is a problem, they would welcome a road to it – if you would be improving access for them, they would like it –

Andy – looking for access to back lands – we are looking to rezone it – it would be a substantial expense to build a road – foster a relationship to build a road – working with mass development

John – would depend on who the property owner is

Chan – I am pretty sure they own it

John – easement gives them the right to operate there but not to convey any other property interests – easements and wetland permits are part of what I have done . . .

Susy – why

John – time is right to volunteer – been here 8 years – hear more about how the town is dysfunctional – we have a good town here

Chan – where did you grow up?

John – Cranston, Rhode Island

Andy – do you have an overall

John – impressed with 1999 master plan, impressed with the residents survey – gives feedback – I agreed with the assessment of the citizens are looking for open space, less traffic, water issues – better tax balance – this board may be able to influence those things – it is an interesting to be part of that process

Andy – Karyl has a design orientation – very important to her – how do you feel about design and tell me what type of training –

John – I know there is a DRC – I know they look at plans and provide input – they work as a surrogate – I can see it as only a help – part of what they are trying to do is to ensure the quality of the projects what we in Medway feel is a standard – we are making decisions about the most important resource – the land – and how we live our life – the more people reviewing it the better, I think it can only help

Chan – have you lived in other mass towns?

John – Swansea for a couple of years; then west Bridgewater – then bought our first house

Chan – familiar with town meeting form of govt

John n- been to town meetings, ConCom meeting, school budget

Chan – children in school?

John – 9 years old – attends charter school in Franklin

Chan- I am comfortable with design review – Barbara saint André has pretty much said it is OK – I served on a PB 30-40 years ago and back then we were warned very much against design focus – I was heavily involved in representing planning boards before state for zoning changes – even today, there has been no material modification of the zoning –

John – what are they doing when they review design?

Chan – theoretically, they are only advisory

Andy – we generally grant waivers that are conditioned on doing certain things – tied to design or landscape features – in the case of special permits we have a lot of autonomy

Bob – with waivers, there has to be a benefit to the town

Andy – Susy refers to it as the dance. . It can be interesting - how do you handle – are you secure in making my point

John – I do feel strongly about how we should approach our planning – I think there is a lot of area for the idea of having a good master plan – we can't do it in a vacuum – it has to be within the system as a whole – and I think part of understanding how a particular project fits in with all of Medway is important

Andy – we enjoy healthy debate so right decisions get made –do you feel you will fight for something if you believe in the idea

John – yes. .

John – getting back to DRC – have they been able to negotiate things that the PB wouldn't have time

Susy – the drc pushes pretty hard –

John – does the board support them?

Bob – by and large – 98% - and there are some things we may not all agree with -

Andy – a lot of debate occurs there – very bright people with design skill – who influence the way things look

John – look at house designs

Susy –

John – I was reading minutes – you said big lot zoning isn't working

Chan – thru out state, towns have resorted to big lot zoning to try to control growth – and reduce tax burden on schools –

Andy – the percentage of commercial tax base is so much smaller –

John – why would going to cluster development?

Chan – this is a new initiative that the state has passed recently – smart growth

John – do we have to do this?

Chan – requirement now for affordable housing – 10%

Andy – smart growth –you score points when you go for grants – preserve open space that would be developed into large lot subdivisions- say 25 acre site – 15 for open space and 10 acres for housing – that seems to be trend – can give a density bonus –not so much roads, or infrastructure e- their cost is cheaper – can have attached homes -0 that types of construction preserves resources, less runoff – also may have more kids – lowering the cost of housing – couple traditional neighborhood design with commercial development

John – I don't know enough about smart growth – just reading the first couple of pages – it seemed to be a little bit contradictory to the master plan – sounds like the actual smart growth would not necessarily add any more residents

Andy – sometimes these are parcels that would not normally be developable – along Winthrop street or by the Charles River – by doing this, providing an alternate

John – I think you would have to be careful with lot design – we may look at a lot one way and the engineer may look at it another way and there may be debates over density – it is a lose lose and go to smart growth and you end up putting in more housing - I would be interested in the cost differential between smart neighborhoods and conventional – where would the cost benefit be between the two – I would be interested in finding that out – it seems counter intuitive to master plan to

Andy – some of the things in the master plan are patently illegal – they didn't know that at the time

Chan – those are all things that the PB is concerned

Andy – we are always looking at the yield –

Andy – we may need to throw a unit or two in return for getting some affordable housing

Bob – we have 2 positions open – one is a full time member and one as an associate member

John – if I am going to be involved, I would like to be a full member –

John – how do you feel the new proposed town charter will change things – relationship between PB and BOS?

Andy – mean that we will need to have a much better level of communication and linking and I think we are doing a pretty good job at that – I attend a lot of their meetings and I am constantly trying to keep board informed – it is important that we not get too far ahead – we have to be careful to not be engaged in serial meetings via email –

Chan – since Andy has been chairman, it has improved several hundred percent –

Bob – it may not meet everybody's goals immediately –

Andy – I think the authority of the PB with adoption of the charter – it is also going to mean the work of the sub boards that fall under the authority of the PB for appointment purposes – each

chairperson of those boards – good communication and liaisons between - that occasionally means additional meetings –

Chan – I think we have taken the lead in doing that – I think the charter committee –

Tom Gay

Andy – I originally met tom as a kind of adjunct to our software development – you

Tom –I read something in the Milford news

Andy –he offered to help the town with a GIS – so we met and talked for about an hour –I feel like I know a lot about him so you guys ask some questions -

Chan – what is your basic field of engineering?

Tom – started off in architectural/structural – my long term goal originally was to be an architect – I also wanted to travel and I went to work for factory mutual engineering and research doing site surveys where we would go into a facility we were going to insure and do a full evaluation of buildings and all systems – and then exposure – then send stuff off to the loss prevention engineers – that was a lot of engineers

Chan – what do you know about current PB PROBLEMS?

Tom – a little bit, based on our meetings – originally stopped by and walked in on Susy one afternoon, I know a little bit about GIS and scanning and offered to help – in general terms I know having lived in town for a long time and having watched the development – and my brother was on the master plan committee – I am living in the house that my great grandmother originally purchased – I have been here 53 years. . Watched the growth – not always thrilled – houses where I used to camp as a boy scout – I know there are some challenges to overcome based on its pattern of growth right wrong or otherwise – I referred to the master plan earlier – it fit the time it was written – it needs another look see and some adjustments

Andy – your architectural background – design or structural

Tom – mostly structural – as most people understand there are 2 ways to get into an architectural situation – from the engineering perspective with a sensibility of design and business – I always just liked to draw – I have become more fascinated with travel and with the site and that kind of stuff as opposed to pure design

Andy – are you familiar with our drc

Tom – yes, I know Gary Jacob is on it – his son and my son were in boy scouts together

Tom – I did some work with Bechtel with GDS –

Andy – what do you see as a vision for Medway –would you like to see

Tom – I think Medway needs to set a course that addresses its specific problems – we read in the paper all the time about all these little things that are wrong, there have been a lot of stove pipe solutions – now reached appoint where different pieces of infrastructure and layout don't match each other – we are constantly in a state of trying to patch that – to adjust tax rates or water rates – I think what really needs to happen is to take a good hard look at what exists today – what the build out rate, what is the capacity of the infrastructure and craft a sustainable model for what is there –

Andy – how would you characterize your patience on as scale of one to ten –?

Tom – I think it is pretty good – been involved in a bus environment for a lot of years in a bunch of different capacities – done technology projects inside a company – folks don't always do a good job of expressing themselves about what really matters to them – I currently manage a group of 55 people – my assistant manager says we have them all – all kinds – corporate issues and departmental issue – I think I handle most stuff pretty well except STUPID . . . and I guess to qualify that, it is one thing if you don't understand but . . I don't have tolerance for the stupid act . . I am polite. .

Bob – do you do a lot of traveling still –

John – yes, quite a bit

Bob – we have two positions open –one full time, - preferences either way. .

Tom – not really – here is where I am at – I have lived here a long time – brought my kids up – always traveled – I have always had to fit things – when my kids were younger and around, they took up my time and I did stuff with them – now I am at a point where the kids are not there – what I would like to do, what I am proposing to you is – you know what I am about and what skills I bring to the table – I am offering up time and knowledge wherever folks feel that fits best – wherever you get the most value from my experience and current activities – the folks I know and my knowledge of the town – I am willing to give you a shot – maybe if I put in some time at this level, maybe there are some other rewards that come out of that – help stabilize the town – so that tax rates settle down or services improve – rather than really worrying about what the past problems were – what happens as we go forward – how do we recognize what things need to be worked on – what things can we do

Susy – would you be interested in serving on the master plan update committee

Tom – ok, where you feel best

Andy – we will develop this horsepower however we can

Chan – now in a position – we have 3 people interested

Tom – frustrating to go down to vote and have no contests

Andy – Tuesday night meetings

Tom – second and fourth Tuesdays are not going to cause me any grief – most of my travel I do with my job is a couple of 3 days at a time and I pretty much call the shots – typically that is true – when it is along term trip, I know when that will be and I can give plenty of notice – I know things well in advance for longer trips –

Andy – any questions for us?

Tom – I had some problems with my brother on the old master plan – I am ready to apply skill and knowledge to where the best fit is – I offered up the help, if it is a good fit

Bruce Hamblin

Andy – Bruce and Susy and I met up at coffee sensations and had a discussion and he expressed an interest and a resume – in starting off, how would you describe your visions for Medway and what you would like to bring to the PB

Bruce – visions does and should change – there has been a fair amount of development over the past few years. . I see this as kind of a period – coming closer to filling up the community and reaching maximum density – make sure we have enough open space, protect ground water and also that our transportation system has enough capacity and mobility – critical period for us – being able to enhance pedestrian access throughout town, open space is important – balanced growth pattern – commercial, industrial and different type of residential uses – been here since 1990 – standards for infrastructure don't seem to take account of differences in areas of town – we need to enhance the neighborhoods – built up area like the village – different types of sidewalks different trees to enhance what is there – we also have a lot of well maintained older period houses and mixed in with those are houses that are not well maintained – be aware of those things and have your policies to help those areas for reinvestment – so it becomes a more sophisticated look at planning and development – another good example of that – many of the businesses we have on route 109 – they back up to residences – I don't see any fences, or restrictions on lighting – that is something we want to be careful of – collision of uses there is the potential for the downgrading of one of those uses – less reason to buy or invest in it – that becomes a critical piece how we manage that and activities of commercial are so it doesn't impinge on residential area – example – dunkin donuts deliveries between 2-4 pm – people couldn't get sleep- we worked with corporate and shift the delivery times – it was a real benefit to the people who lived near that – I think you guys have fairly similar example – trucks avoiding route 109 by using village street – solution was to contact those companies and try to get them back onto route 109 businesses – try; to find a way to deal with problems – that is a critical role for the planning board – you have to show that you are interested in the community as a whole . .

Chan – are you still in the office in Lancaster?

Bruce – I am retired. .

Chan – while you were serving in that capacity you were also the rep for the MBTYA

Bruce – yes and rep to the regional transit authority

Chan – obviously well qualified as far as planning – what you would like to see anyways

Bruce – lived here since 1990

Chan – how big is Lancaster?

Bruce – 7,000 people – structure was very good there – we served a lot of boards/- it made it very effective for us to coordinate –

Any – you had served before on the PB? What caused you to disengage?

Bruce – I ran unopposed – first thing I was interested in doing a master plan – mid 90's – I ran on that as a platform – so I got on the board and the chairman and other members had no interest in working on a master plan or to meet with other boards to – I think it is good to meet regularly with various boards – good way to surface ideas for zoning bylaw amendments – see other board problems – none of that was important – I kept trying to put planning items on the agenda – I felt very frustrated – the PB did not want to do any planning g- then at the time, I was working for the federal head start program in Boston, but in that program we had field representatives and I had grantees in Hartford, ct and Vermont and new Hampshire and the chairman at that time would put anybody on the agenda if they came thru the door on Friday afternoon – meetings went very late – impositions and inappropriate – I don't function well at that time of night and it was affecting my ability to do my job the next day – I thought that was a poor way of running a planning program –

Andy – bob has a work schedule when he has to be up at 4 am in the morning.

Bruce – also important to take things seriously – no matter what type of application – don't want to miss things – do your due diligence – I think it is important to have that time – not effective

Andy – what is your philosophy on design review committees and their role in the planning process?

Bruce – I haven't worked in that – my focus has been open space, urban design and transportation – it has always been part of planning board's process – you want to try to avoid them making a decision – important to have everybody on the same wave length – one thing that is good about is that you have a group people really focused on the issue – have you had a good experience

Andy – pretty solid group

Bob – by and large, we go along with their decisions, there is the rare exception – spurs on some very healthy discussion

Chan – you were living here in Medway when you were working for the Swansea planning board – odd commute

Bruce – it was an odd town, next to Fall River

Bob – not going to be an easy decision

Bob – question do have – we have 2 positions open – regular and then an associate – do you have a preference

Bruce – I would prefer to be a full member of the planning board – when I was on before and when I ran for BOS at the time, Representative Gardner at the time, she was very frustrated with Medway at that time – she would ask them and they would never pursue – I think I could be helpful – I know a lot of people in state government – there are a lot of programs out there that we as a community could apply for and have a good chance to get funds – I have volunteered to serve on the open space committee – there are a lot of things we could become involved in –

Chan – we are doing very well with Gino Carlucci as far as getting state grants -

Bruce – how is your working relationship with the BOS

Andy -0 very good

Chan – thru Andy, it is great – PB has done more to outreach to other boards – lack of communication among boards

Bruce – I think one of the problems is communication and boards going in different directions

Chan – lack of synergism –

Bob – those are – having the right qualified people working in town hall –

Bruce -= I noticed the things with the water department – I got a grant which funded a water conservation study in Lancaster – that is a prerequisite for any grant funding –

Bruce – there are a lot of ways to make connections with other boards – example in working in Rhode island – design for safety - lighting, windows, - how to make a site safer for police calls – I live up in Crestview - close to middle school – all these kids have to walk out to Kelley Street and down to the schools or be picked up along Holliston street – it would have been so easy when that subdivision was being developed to put in some walkways. .

Bob – what is the surrounding area and what are the access issues – doing more on that with pathways built – linking neighborhoods and whatnot -

Bruce – I talked to Susy about coming in during the week, do some research – help out – review plans . . .

Chan – state has a program for seniors to work for senior hours and earn credit for your taxes - income is not involved at all

Bruce – I worked for quite awhile in New Jersey – more power and authority for planning boards than Massachusetts –

Bruce – I worked on a Committee in Lancaster – looking to upgrade Fitchburg train line -

Bruce – I think I could be of help with everyday work – I am glad to see that you are looking broadly – I can help point us in directions for funding – for example, state and federal highway funds can be used for open space – redesigning some intersections – working thru the bureaucracy to get things done – in Lancaster I was able to get 5 intersections upgraded -

Bruce – I would like to serve on the PB and assist the OS committee and master plan committee, especially for transportation . . .

Andy – thank you so much for coming in We have a difficult task before us - everybody is willing to participate at some level – there will be something for everybody I am sure –

Joint appointment with the BOS – we will probably meet Jan 8th and discuss and then make a recommendation to the BOS and then a joint meeting –

General discussion . . .

Bob - Motion to recommend/invite tom gay to the BOS as being the permanent member, seconded by Chan -

Chan withdrew second,
Bob withdrew motion

Take no action –

Definite interest in tom gay – all on hold. .

Chan to do some research/references

Adjourn – Bob, Chan – 9:15 pm