

1-8-08 PB Meeting  
Sanford Hall

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, Chan Rogers

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

The meeting was called to order at

### ***CITIZEN COMMENTS***

### ***Open Space Committee Appointments***

### ***Public Hearing – Daniels Wood II Definitive Subdivision Plan***

Fred Sibley, Applicant  
Paul DeSimone, Colonial Engineering

### ***Informal Discussion – West Street OSRD project***

### ***CountryView Estates – Bond Reduction Discussion***

## ***ANR Plan***

## ***ANR Plan***

5 bills – VHB - \$10,000 = motion by karyl, chan – all lyes

Vhb – plan review – medway senior center - 345 – motion by karyl, seconded by bob – all yes

Land use case – Norwell, applicant wanted to tear down a 625 sq. ft footprint house and on a grandfathered lot – and build a big new house – ZBA denied because it was out of scale – court upheld -

Send briefing memo from Barbara saint andre –

Relatively narrow – on an undersized lot . . . . .

Special meeting – tuesdya,nov 15<sup>th</sup> -

Motion to aqdjoujrn – karyhl , chan – all yes

Called to order at 7:10 pm – January 22, 2008

Chan, bob, karyl – no andy

Also – susy, gino

Citizencomments – none

Appointment to the Open Space Committee –

Email from Patrick McHallam - interested in serving on the Open Space Committee – member of Audobon and – designs GIS systems for Applied Geographics

John – he came to the first meeting last week and jumped right in

Appointment time period would be now thru june 2009 –

Motion by karyl, to appoint – chan – all YES!!

Bob – welcome aboard

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Bond Consolidation – CountryView Estates

Greg Whelan – I have the certificate of compliance for country view estates in hand; for broad acres subdivision, the order of conditions are on record and I have asked the concom to inspect to issue the certificate of compliance . . . lot 1 has the retention area on it –

Greg provided the mylars of the acceptance plans – for the BOS to sign . . .

Couple of small repairs to do in the spring – those are things for Jimmie to look at . . . I don't think VHB should have to look at this . . .

Susy – two separate issues – reduce/consolidate bond . . . and street acceptance . . . – now you are considering the

Motion to adjust countryview to \$45,000 – chan – karyl – all yes . . .

Chan – those plans should be reviewed

Greg – they already have been – he had already made all the changes – he was happy with the paper versions of these mylars . . .

Susy – will take care of paperwork with treasurer's office

Verizon Landscaping completion at 51 Alder Street - \$36,590

Bob – I did confirm with Dave D that trees and shrubs are included in the MassHighway Manual

Motion to approve estiamqte for verizon workcenter bond – chan, karyhl – all yes

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Foxboro Transport –

Bob – I look at this as an informational thing – they talk about an initial payment – susy isn't sure if that has been made yet – and then monthly thereafter . . .

Susy – do you want to wait until they have paid their obligation

Bob – until the obligation is paid

Chan – we houldn't release this until it is paid in full . . .

Karyl – it seems like a long time to hold this up – it would be almost a year

Chan – we should wait for at least a couple of payments – susy should ask the treasurer for a status report . . .

Agree to revisit on May 1<sup>st</sup> and see what the status is then . . . first meeting in May . . .

Gino - \$8500 should be paid by then if they keep it up on schdedule

Karyl – I would like to have a good relationship with charter for the future . . . concerned about the amount of time this thorn will be in the side of charter – I expect we will be doing a lot more business with charter . . .

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Budget . . . fy 09 –

Adjust salary proposal

Impact statement

Timliness issue, also . . . extended cost exposure to applicants for longer times needed to review projects . . . on backs of the developers . .

Karyl – it needs to be a little more realistic and stronger . . I see it as so important – when we start doing the bottlecap lot redevelopment and upcoming projects – things are going to hit the fan again – as soon as we crank up a little bit, we are really going to be hurting

then – maybe – we are going to be behind the 8 ball – make it more compelling – I see that as the immediate future . . . move it up to the top of the list . . .

Karyl – I am comfortable with it as is . .

Karyl – I would like to see how Andy feels about it . . .

Chan – contingent on Andy's approval, I move we approve this budget . . .

Karyl – I would rather wait a week and get andy's comments.

Bob – chan, would you object if we hold it off for a week

Chan – no that is ok

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Start discussion on proposed articles . . .

Rezone part of CII to ARII –

Take building sales and storage out of new CI and allow it in Industrial I –

Bob – please provide us a copy of Commercial District I and II . . . for next board packet  
–

Bob – maybe we should add in a requirement for parking space for retail and offices – Mansfield crossing – LL Bean . . . I am concerned about having that kind of situation manifest itself

Gino – usually standard for retail and office is floor space . . . includes consideration for both employees and for patrons

Susy – see g 4 – special permit uses parking will be addressed by the zba

Idea – special permit for big box stores of 30,000 sq. ft . .

More info on useable floor space . . more details

AH trust fund –

Chan – I think they should be residents of the town ; 3 year terms . .

Susy – find list of towns that have adopted it . . .

Karyl – any down sides for having non-residents on the board???? Any competitive development situations from town to town? Conflict of interest question??

Affordable Housing –

New commercial district for east side Medway/north side of the street –

Gino – allow sale and storage of building materials as one of the uses –

Gino to take a look at this . . . next week -

Maybe expand area a bit to include some of the property on Marc Road . . .

Also the two lots to the west toward coffee street –

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Other information . . Coalition for zoning reform . .

March 15 – cptic

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Vhb – construction observation - \$3958.52 – funds provided by the developers – karyl,  
chan – all yes

Municipal Solutions Inc. - \$184.04 – karyl, chan – all yes – master plan survey –  
contracted services

PGC Associates – miscellaneous consulting services – maps, elderly housing and pb  
meetings re master plan and zoning - \$375 – karyl,chan – all yes

PGC Associates – 43D grant - \$2250 – karyl, chan – all yes . . .

PGC Associates – ANR plans - \$112.50 – karyl, chan – all yes

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Motion to refund original francolin creek bond – \$100 at Strata Bank – karyl, chan – all  
yes

\*\*\*motion to adjourn 9:35 pm – chan, karyl – all yes



February 12, 2008 –PB meeting

PRESENT – andy, karyl, bob, chan and tom

Also – susy and gino

Continue public hearing on daniels wood to 3/11 at 8:30 p.m.

Tina wright interested in open space committee – life long medway residents – I remember some of the farms – I would love to see medway protect the open space – overall benefit to the town and resident s- I would love to be a part of – I think ii could bring some business background to it and just help to protect it

Chan – I am impressed with your background

Bob – I would second that – I couldn't think of anyone better

Tom – membership of trustees,

Karyl –

Motion by bob to appoint Tina Wright – seconxded – all in favor . .

Medway/Bellingham study area

Andy – provided some background – meeting with the state several months ago – this is the work product Gino has put together – as you look at this . . we want to be able to go to Bellingham with this – meet with their TA, DPS and Planner andpresent it to themand work with them to comment, feedback – possibly expand on it if necessary

Gino – presentation on Medway Bellingham border study area – the map shows the area – rezonig this area to connect our industrial zone and the business zone in Bellingham – area is not ideal for residential use – concerns about Bellingham traffic issue – utilities like perpendicular crossings instead of parallel –

Andy –do we have a list of contacts that we need to deal with

Gino – we can get those

Gino – the other area which I call I-495 frontage area is a lot less promising because of the wetlands – dotted red line on page 5 . . . I snaked it thru the wetlands – I have a suspicion that the wetlands are more extensive that what is shown here – because of the



wetlands on both sides, we would be talking about quite a bit of roadway without much development potential – it would intersect with farm street in Bellingham and I expect people who live there would be concerned about traffic but it would provide a relief valve and it would connect with the cul de sac at the end of alder street and connect to route 109

Andy – maybe the Shoppes at Bellingham might consider constructing this road as part of their mitigation

Gino – next steps, if this looks acceptable, and get some feedback from the Bellingham TA, planner and DPS director –

Karyl – when would we want to bring in an engineer

Andy – lets see if Bellingham would even consider this idea before – it is

Karyl – accessibility and road relief would be a big benefit to them

Gino – maybe as a start would be WS Development to look at this . .

Karyl – feasibility of putting this road thru the wetlands –

Andy – is board OK with us going to Bellingham

Bob – concept is good, a lot of unknowns, first step is to see if Bellingham might be interested at all and then see where it shakes out –

Andy – this is congruent with what the IDC asked us to do when we had our joint meeting

Tom – I agree with all that – before we spend any more money – to check this out with Bellingham

Moiton to proceed – bob, chan – all yes . . .

7:20 p.m. – Informal Site Plan Discussion re: 130 Milford Street with Murphy Insurance Agency

Dan Wolfe, of David Ross Associates – I represent Murphy

Dennis Murphy, Art Tataronis, Dennis and Michael Murphy the sons –

We are here to discuss site on Milford Street – Swift Gardens – my terra – in the background here – what we are looking at is to purchase the property – put up a 4,000 sq. ft office space to house the insurance agency itself – we did some survey work – bottle cap lots area – we have defined the property offered for sale – this is a preliminary

plan for this pre-submission meeting to get some ideas from you before we take this to final stages – the first thing we explored was the wetlands on the property – on the westerly and southern side of the property, did some soil testing – the septic system needs to be a filled system – the front area has to be mounded up – we found this placement for the building – driveway parallel along the side – we have looked at the zoning bylaw, with parking spaces – we need between 8 – 9 spaces – we have shown 10 spaces – a few of the concerns we have – fitting in all the parking – drainage – the site drains southwest – we would imagine some low impact drainage – swales and a detention area in the back – there is not a whole lot more impervious area than there is now – I am always challenged by planning boards to deal with snow storage area – there is an area in the back that we can plow into – one of the concerns that jumped out to me – on the west side is vacant land – out back is the bottle cap lots – there is one residential house to the east – our intent would be to heavily screen the driveway and parking area – in terms of lighting – just bracket lights on the building as well as a few bollard type lights for the parking – no big overhead lamps lighting this place up – not the look we seek – I have worked with the Murphys before on 2 sites – praise the overall end result of the products they have done – well landscaped – beautiful looking facility and will brighten up this neighborhood as well – take something that has been sitting dormant for – consideration – currently a utility pole on the north side of route 109, we would like to install a – I understand you have a design review committee – I read thru some of their documentation and a lot of what it talks about – small New England town feel – it will not be a big box – going thru a design process – Cape Cod looking façade – house appearance from the front with a wing off the back

Bob –

Dan – single story

Murphy – we have a similar facility in route 109 in Mendon near golf course that we completed 4-5 years ago – most of the other property we have is up in the Marlborough, Hudson, Groton, Bolton area, - this would be a branch office – use it as a service and sales facility – 4-5 employees – the one in Mendon we have 4 employees – we rent a location in Milford the Hickey agency – we would relocate that to Medway – we don't want to be in a shopping center – we will bring pictures of our existing offices – we would like to get some input from you – we don't want to get down the road too far – we want to do something that is pleasing to you – we want to develop good will here – we think it is a great opportunity for us down here – we think this location is good for our Milford customers – we have been in business 70 years - . . .

Chan – Murphy Insurance is applicant and business – are you a general agency for all forms of insurance

Murphy – Murphy Insurance may not be the actual building owner – no donuts, no Hooters

Karyl – it looks like a wonderful project – it should be good for everybody – all the remarks about the architecture and scale – I have a couple of concerns about water – the area where the driveway is now – is it a cut

Dan – we would put the septic system there –

Karyl – I have a concern about the driveway going over the septic

Dan – no, it would be right next to the driveway . . . 6 inch rise

Karyl – detritus area in the back – I am sure that that hasn't been glued – it is very close to the building

Dan – the public and employee access comes from the side – no pedestrian user type traffic in the back where the pond would be – it will be very minimal

Karyl – we have some history of foundations ending up being so close to ponds . .

Dan – what we could do then, because – we could elongate the basin and make it tight to the property line – there is no direct abutter behind us at this time –

Karyl – maybe the parking might not have to be entirely pervious

Dan – the amount of impervious space is pretty comparable

Mr Murphy – we don't want to have any problem – we faced something similar to this down in Mendon – see what right on route 16 – next to the New England restaurant – across from Dunkin Donuts . . .

Dan – frontage is 176 feet

Mr. Murphy – the buildings that are in the trailers are actually on someone else's property

Karyl – does anyone remember – isn't this one that came in with a proposed site plan –

Dan – assessors map shows that the conservation commission owns land that is next to us but that is not actually the case

Andy – Mr. Bemis might be able to tell you – he was a surveyor –

Mr. Murphy – it may have been owned by KING –

Andy – you are familiar with the idea of the bottle cap lot area – it is well underway  
The town owned parcels are going to be designated as 43D priority development sites – we are trying to knit together the parcels along there into

Dan – we have

Andy – there are over 1000 parcels . .

Mr Murphy – they didn't

Rick Kaplan, broker for swifts and the murphys – also IDC member . . dan has put together a very impressive presentation – about where the property lines – if the town is getting to a point – he has done a lot of research – he found this piece of property that nobody knew about .

Dan – one of the surveyors who worked

Dandy – the character and nature of the building will be important - this needs to be a marquee property, even though it is small parcel – create an identity –

Mr Murphy – 48 years in business, I want to make it – we have to make it practical, if you looked at any of our property, you will see we want to make it so it attracts attention – modest size signs, well maintained sites – we were the first ones that did anything in downtown Hudson, and now others have done some things – we want to be in an area that people will remember us – we have 25,000 customers now – treat people nicely and fair . .

Chan – I think this is a beginning of a renaissance for that portion of route 109 – I am very pleased

Andy – welcome you to midway . . .

Dan – what sort of role does the DRC - how would you like that to work

Andy – as soon as you can, get your application to susy, sets

Dan – we would like to finish up the architectural plans,

Karyl – any rough landscape concepts would be helpful –

Mr. Murphy – we can bring photos of other sites

Karyl – any images of walls or fencing that you might be using

Bob – ideas on shielding with the neighbor

Dan –

Karyl – more

Bob – the DRC reports back to the PB – we consider their recommendations,

Andy – a variety of people who serve on the DRC

Andy – would encourage you to get involved with the medway business council – third Thursday of the month –

Karyl – I would like to go to the breakfast . . .

Bob – when it comes to handling water, think outside the box . .

Karyl – any key site features –

Dan – nothing . . .

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#### Appointments to Master Plan Committee

Appoint – andy rodenhiser, rob pomponio, mark cerel, - bob motion, seconded by karyl – all yes . . .

Chan - I would want to make sure that the plan will go to town meeting –

Andy – they will formulate it and recommend to us

Susy – I would suggest to you that these committees are not subcommittees of the PB – they are committees in their own right . . .

Chan – these boards are independent – I don't feel that our members should be voting members

Karyl – I disagree – I don't see why not – I know there are people who have positions on multiple boards – what is the concern? What is negative about it?

Chan – these committees are supposed to be independent committees . . . I think it is disingenuous of us to appoint ourselves to boards – it puts you in a position to shape the position

Tom – the only comment I would make is that the other people are representatives of other boards – I would disagree on this instance with the PB

Chan – I don't think it is proper for the

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#### Zoning Articles

CI?II – add assisted living facility as a use –

Andy – site between the bank and papa gino's on north side of main street . . .

Susy – make it by right use or a by special permit??

Gino – my thought is to make it a future by right use in the town center overlay –

Andy – midway business council wants to see special permit and site plan review done simultaneously – I know ZBA wants to retain their special permit authority

Karyl – I don't want to jump the gun, but if we remember back when we joined CV – the corner of route 109 and summer street, when we rezoned that area - what we did in allowing the zone was that we wrote the bylaw to describe exactly what we wanted to see and not to see – we sort of had an understanding it was going to

Andy – we used form based code

Karyl – I see something similar here – it could be wonderful here, depending on the scale, setbacks, architecture – very important piece of property to the whole business corridor – very important architectural – it could be exemplary or it could be horrible – integrity and success of it visually and functionally, . . if we are going to allow it by special permit, then we should have something on what it should look like . . .

Andy – what you are saying, the text of the item that is being proposed needs to include language that stipulates what it is you want as part of the special permit . . .

Karyl – YES . . .

Chan – the ZBA is set up statutorily -

Chan – we are trying to set up something within zoning, the site plan process is a way to control the aesthetics . . . we have said that special permit by the PB is a good technique – I am very much in favor of having these uses by special permit from the planning board

Susy – ZBAs . . . do have authority to do special permits

Chan – I just feel the PB is in a better position . . .

Andy – if you have the ability to do a special permit, then you have a better ability to make the site plan work

Karyl - you need to have some verbiage

Gino – general special permit criteria - page 10 – does reference the general purpose and intent of the bylaw which does include the aesthetics

Andy – karyl, do you have something else to propose

Karyl – not at this time,

Chan – I want to go back and revisit the premise that the ZBA stays as the special permit granting authority –

Andy – I think that would be a real fight on the town meeting floor

Andy – would you like to propose that it be a stand alone item,

Motion to change to K 1 – chan, bob – all yes

Karyl – I would like to make a comment –

Andy – I will bet that the business council will come in with a request to change the whole section . . .

Chan – the process before the zba is much more rigorous than it would be before the PB .

Tom – are there any other uses that are not covered?

Susy – unless uses are specifically authorized in a zoning bylaw, they are not allowed

Gino – of general interest on naming uses . . somebody once did

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Business/Industrial

See NOTES on drafts . . .

Contractors quarters – discussion – karyl – these tend to be the least attractive, - as long as none of them are on the main street I would be OK . .

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Question – 2-4 Main Street – there is a fence around the back – that I don't think was on the site plan – it is a wooden fence - . . . WE NEED TO LOOK AT THIS . . .

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Affordable Housing

10 a)

Karyl – I have been thinking about this a lot – and I don't know what it needs to get to – I think we don't know what it is – it involves a financial - I am concerned that it is egregious and difficult for very small developers – I am not for this right now – I think it reduces the bargaining chip for getting open space - I don't think there is a comfort zone – it is going to come from somewhere –

Chan – when you say THIS . . what is it that you are not comfortable with

Karyl – the proportional component –

Andy – how do you make the nexus for linking this to open space

Karyl – if you take out the affordable

Andy – this includes a density bonus

Gino – for a conventional subdivision, this would allow the PB to adjust the lot size; in an open space subdivision, there is a formula and flexibility – they would still have to meet the minimum amount of open space required . . . .

Karyl - I don't want to lose the flexibility

Gino – there is flexibility to provide two family or multi family –

Karyl – I think we are guessing

Andy – do you have a suggestion

Karyl – no, because I don't know

Chan – any impacts to the developers operation that causes him to do less will have an impact on open space - there are towns that have called for a referendum on 40B – our housing stock is a very comprehensive, we don't have McMansions . . I just don't see us taking the lead on something – I don't feel this is the way to make it happen

Andy – I think we need to take a leadership role in getting something done – the legislature hasn't had a reason to capitulate on that statute – we can sit here and complain about it and try to get there – I would rather add something to the mix – doing nothing gets you nothing – attempt to try to fix a problem – I see it as a problem – but in the absence of a suggestion

Karyl – we are making a blind

Tom – I don't know if we have to be worried about the health of the people who build these things – we are worried about the health of the town



Karyl – this is about how developers use the land in our town – anything that gets built in this town be done with integrity and

Karyl – my concern is about taking from Peter to pay Paul . . .

Andy – can you be more specific?

Bob – I would like to see this go to a public hearing and get some feedback . . .

Chan – I move we adopt this as written . . . bring this forward as a best case effort to achieve affordable housing in midway – we should put in the basket for consideration -

Andy – the best time to pass this is when we are in a housing trough

Motion – seconded . . .

Vote – 4 yes, karyl – NO

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Non conforming use –

Gino – this restates what state law requires . . . to make it consistent – clarifies . . .

Susy – this was asked for by Bob Speroni, and drafted by Town Counsel

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Forthcoming project applications . . .

Marian Community – site plan review for

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Training opportunities . . .

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Susy – possible intern for the summer from Clark University

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Andy – meeting this morning with property owners in the industrial park – group to form their own association up there - possible joint meeting with IDC, BOS, PB and Water/Sewer board to discuss issues of the town’s policy of not allowing for pumping stations within the town system . . . I am reporting this to you and asking for your authority to go before water and sewer and selectmen and idc to try to ask them to overturn something like that

Bob – the decision to not allow pump stations is one made by Water/sewer – do we really want to get into the fray on this . . . why???

Karyl – is it an archaic conclusion in this day and age

Chan – it is unusual for boards to make an absolute policy when there could be valid reasons

Karyl – 10:05pm leave – I think it should be talked about . .

Bob – if we are going to step into this . . maybe we could get some info – pros and cons of what communities might expect for allowing this – average costs for typical sized

Andy – the group was asking for the Town to own it and then bill the ongoing expense back to the owners –

Chan – this should have been talked about 2 years ago . . .

Andy – water and sewer has stymied this process; that is why the IDC took up this issue – there is now a sewer route, a draft proposal to create an association . . . now a conversation with real facts can occur -

Chan – I felt their position was archaic . . but I haven't poked my nose into this

Andy – there are several engineers that are advising the water/sewer

Tom – it is absolutely needed . . . they would like to assume somewhat of a joint venture with the town . . . sounds like a discussion that needs to happen . . .

Andy – it may happen as soon as this Thursday or even next Thursday . . I will report back to the board . . .

Bob – I did go to the CPC meeting, my first meeting – most of the meeting was centered around reviewing the previous meetings minutes . .

Chan – May 4, first Tuesday of the month, I will not be present . . . .

Motion to adjourn – bob, tom – 10:15 pm

Make a copy of the zoning bylaw for Tom Gay –



February 26, 2008 PB meeting

Present: Chan Rogers, Tom Gay, Andy Rodenhiser, Karyl Spiller-Walsh,

ALSO Present:       Susy Affleck-Childs, Planning Board  
                      Gino Carlucci, PGC Associates  
                      Barbara Saint Andre, Petrini Associates

The meeting was called to order at 7:05 pm

**CITIZEN COMMENTS** – None

**PUBLIC HEARINGS** – None

**Introduce New Tree Warden** – Brutus Cantoreggi

Brutus – just wanted to come by and introduce myself – been doing this in millis for 5 years – umass Amherst – I am a member of the millis planning board – also DPW director of Franklin - I was going to suggest . . . tree requirements are very similar among towns – one thing that inworking with millis – developers ask for waivers from tree regs – one thing I would like to ask the board to do for these projects – instead of just giving them a waiver for trees – we ask them to donate trees to the town and plant a tree somewhere – we do a tree lottery and ask residents to apply – typically plant on the front of the property - usually towns just waive them - I can work to help identify where trees would go in a subdivision -

Andy – we would like to consider any best management practices – any bylaw ideas or text we would refer to us . . .

Karyl – I have 2 thirty year old trees that were donated back along time ago -

Karyl – we might call on you – if we have an applicant with existing trees –

Brutus – street trees are important to a town -

Chan – one of our biggest involvement is with our scenic drives in concert with subdivisions

Brutus – this is a stipend position - \$1500 a year no matter how often

**Appointment to Master Plan Update Committee**

Alison Slack – appoint – karyl, tom – now thru 6-30-09 - all YES!!

**Introduce Jan Fish – FINCOM Liaison to PB**

Andy – Welcome to Jan Fish, additional liaison from FINCOM to the PB

Bob – Welcome aboard

Larry – I did ask Wendy Harrington for time on the 3/12 agenda for us –

Barbara Saint Andre – Town Counsel/ Petrini and Associates

I understand we are here to talk about the proposal from the Marian Community – I do have a copy of the letter from the building inspector that it is an exempt use – I have a copy of the letter from Bill Proia –

I understand I am here today to discuss our authority, what we can and can't review

Barbara – the first thing – their attorney – under 40A section 3 – a qualified religious organization, you cannot prohibit that use, subject to certain regulations, etc. – that is it – and you can't use those as a means to deny the use – one of the whole issue is site plan review – I h

It is my opinion that you can have a limited site plan review – it can only be used to review the items you are authorized to regulate – if you look at your site plan review process – there are many items that you cannot

Karyl – the exempt uses as defined by our bylaw, have you found that they have some credence or not

Barbara – it is an exempt use – therefore it comes in under section p of your bylaw – lays out the items for consideration – then it refers the project to go thru site plan review which includes items that are outside the scope of 40A, section 3

Chan – please repeat

Barbara – there are some things you cannot regulate or require – such as a fiscal impact report – you cannot ask or look for that - parking you can look at

Chan – this is more like a college – dormitory living space – they are creating this well off the highway – out in the woods – they have to access to the site, emergency services has to have access to the site – and there should be some overview for people living in the building – there should be some overview of this facility that will be built in a virgin setting – well removed – fire and police have to have access to the site – we are not regulating their use, but looking out for safety and the consequence of the use – am I right in assuming that we should be concerned about those issues

Barbara – fire safety, there is no exemption from fire or building codes – it will have to comply with all of those codes – you don't need to worry about that

Chan – one of the problems was getting a bridge across a rather wide water course – the original proposal was to make it one lane and to use traffic sign to provide for back and forth traffic – that was one of the schemes presented previously – there was some concern about how this would be reviewed – that is an example

Chan – do we have an exercise of control as to what is acceptable? Otherwise let me

Barbara – bulk and height of structures, . . . . there is a list of what we can regulate –

Andy – Wayne would probably have some say over access to the site – if they were to come back in the future for some other type of development

Chan – this has been an issue for 3 years – they maintain we don't have the authority

Andy – the concerns we had when the first application was before us were justified – this is an example of use and we can only regulate within the confines of

Barbara – 40A , section 3 and the bylaw

Andy – if they seek to further develop the property in the future, the issue would be addressed then if it is not an exempt use

Chan – somewhere along the line, the town will inherit some responsibility for creating an unacceptable situation if such was to occur – my real question is how far should we be going to prevent anything that would be an unsafe situation – creating a residential

Barbara – I don't want to get into the specifics of the project tonight because I assume you will have some sort of public hearing – you cannot look at access issues for this project -

Bob – we go by the rules that are set forth and we live by them and everything going normal, they will build an acceptable access and egress routes – I don't see that we have a lot of purview over them at this point, if they were to change the use, it might give us another opportunity

Karyl – I have concern as a citizen and PB member, my main concern is stormwater management – it is on the waterway – whatever decisions that are made and structures designed by the marina community, it should not negatively effect the town – I have a lot of concern about that –

Barbara – stormwater management is not specified under 40A as one of the items you can regulate

Karyl – I do see parking is one of the things – I would be concerned

Barbara – I don't want to get into the details of the plans

Andy – if we are going to be looking at parking, wouldn't stormwater be a part of that –

Barbara – how many spaces, where is it located - parking, but as far as stormwater management – very limited review . .

Karyl – if they are not proposing a new parking lot and one is constructed after the fact, could there be any ramifications and what if there was an impact

Barbara – you do have the right to make sure they do have adequate parking for the project based on the criteria in your bylaw

Andy – if another application were to come in and things that were built as part of this, could the future permitting be tied to this?

Barbara – if some other development were to come in on the property, then at that point, if the road doesn't meet the criteria, then they would have to upgrade the road or other facilities to meet the criteria of the other permit

Andy – can we do testing in lieu of –

Barbara – I was speaking about a 10 foot road width – if the future had a proposal for 500 homes, then you could look at its adequacy

Chan – it could presumably be reconstructed to conform?

Barbara – a whole different type of use

Andy – board, does someone want to decide to not exercise authority over this

Karyl – I think it would be a good opportunity for the board to discuss the benefits of doing it or not doing it – what do we expect to reap out of that – I don't know if I have all the questions – if they are not proposing a new parking lot

Andy – you cannot discuss the project until we get into it

Karyl – that is a huge catch 22 –

Andy – they have requested that we waive the limited site plan review authority that we do have

Andy – we either have an application before us to consider or we have an incomplete – if it is incomplete, it is because of the fees – they have

Andy – if you want to move forward to have a discussion, . .

Kayrl – what do you feel

Andy – I think we should review to the extent we can – absolutely, unequivocally

Bob – there are enough questions – not that they would do anything to hurt their neighbors – I think we need to do our jobs, even on a limited basis –

Andy – we as a group thought it was important enough to establish bylaw provisions to have a limited review – I think it is a slap in the face to town meeting to not do this

Chan – I am very partial that they have made exemptions for religious organizations – I feel that should be adhered to – if we end up approving something that ends up being an unsafe condition, then we should be absolved, - road – example – I want a failsafe resolution –

Andy – it will be a private street –

Andy – what is our liability on something that we don't have the ability to review

Barbara – town's liability is governed by state law – town is liable for negligence with a long list of exceptions – generally not responsible for failure to inspect - every case is different – have to wait until the facts come in

Tom – my feeling aligns with what Bob said – agreeing that the use is exempt doesn't mean we shouldn't be looking at what the bylaw allows us to – the reality of the situation – no occupancy or use is perpetual – they all change over time – these things that were temporary or exempt uses have a way of being rolled into a different use – we should look at the things town meeting agreed we should look at and move forward from there

Motion to review the project in accordance with our regulations - Bob,

Chan – question – applicant has asked us to review without any of our previous details –

Andy – the applicant is saying they should be excluded from any review - it is a place for people to stay in lieu of lodging facilities

Tom – seconded motion . .

Discussion . . . -

Tom – if it were a similar use by an organization that did not qualify as exempt, what would the general feeling about what we would be looking at - if it wasn't a religious organization, how would we approach that – would we still be looking at a

Barbara – it would be a full major site plan review



Chan – I would tend to proceed with a vote

Karyl – the town has taken the position that we are allowed

Andy – the article was approved by the AGs office

Vote – all yes . . .

Andy – how do you want to handle public involvement in the process

Barbara – I think you should have a public hearing

Bob – would this limited review format, is there any exceptions to take with abutter notice

Barbraa – the main thrust of the exemption is that you cannot prohibit the use, you cannot interfere with it, you cant use review items to deny the use – I believe you can do it thru site plan review, as long as you are not a special permit and as long as you cannot

Andy - full public hearing and notice – October 25<sup>th</sup>

Bill Proia – OK

Andy – in terms of looking at who will be involved? I am hearing from you that we would not look at stormwater drainage

Barbara – there may be some limited items – but as opposed to a full stormwater study of the site

Andy – the parking area goes – and how it would work – is that allowable?

Barbara – I think that would be pushingn it for a full stormwater management plan for a site – I don't know where to draw that line?

Andy – could we require them to submit a letter from the engineer that it works, and have it be stamped

Barbara – perhaps that is something we could consnider – look at once we start to look at the plans

Karyl – what if their bulding is very near or to be built on top of waterways –

Barbraa – concomm would catch that

Bob – proviiosn sin bulding code on foundation -

Chan – extend this to the construction process – I don't feel we have any right to review the construction process and the same applies to the road and roadwork

Bob – in order to pull the permit, they have to have a licensed person to do the work – there are certain protections that are already there in place

Andy – within the limited review capacity - I can see that we are going to need you on a couple of occasions – can we charge review fees to offset

Barbara – I don't believe there is any exemption from consultant fees – but it has to be related to the project

Andy -0 we would ask you to provide us with an estimate, and Gion – it sounds like there is not going to be a lot of engineering

Chan – I don't see anything that would need engineering review barring anything unforeseen

Bob – we may see some things that may not work 100% and make those comments, that is just the difference in individual engineers that might review any document

Tom – some kind of validation of the various items that town

Andy – if we are going to use outside consultants, 2500 advance to be paid – are we going to require them to pay – do we need that money – so they would have a completed application- we would get an estimate from Barbara as to what she thought the cost

Susy – also need to have Gino do some review

Tom – is there some % to look at

Bob – based on the review we have before us . . . based on limited complexity, I can't see us doing a lot of high cost consulting wise

Chan – my position would be no deposit - of all the organizations, a religious group I feel in that context there should be no deposit – surely a religious group would take care of it

Andy – they are exempt, therefore the limited review complies

Susy – you are obligated to pay your consultants

Moiton to have the minimum plan review advance of 2500 – bob, karyl , tom, andy –  
CHAN – NO

Susy – asking for relief on the application fee

Andy – I will share my dissenting view – I sat at the table with the BOS Saturday morning, on budget issues – they want us to raised the fees - the town of midway has an expense to be covered – we have 2 people here form the fincom – they have to deal with severe financial issues – I think it is important to follow the fee schedule that we have – I don't want to corrupt the process

Chan – I am doing this on the basis that they get a statutory exemptions

Larry Ellsworth – is the purpose of the regulation that provides for al imited site rview, is it an attempt to not intrude on religious or is it to take into consnideration the financial state of the organization

Barbara – it is really the former, it is to ensure the former – but that includes not imposing fees that are so burdensome

Barbara – the general filing fee is to go to the town – salaries, overhead

Andy – there are many times that we have applications that come in – it is important

motion to approve the \$2,000 application filing fee – Karyl, - no I rescind that . . .

karyl – doe sit need to be fixed

andy – do you want to reject the application because the full fee has not been paid?

Chan – I thought we were putting up a base free plus a deposit to be drawn on for the consultants to use

Tom – what does it cover?

Andy – we are trying to recover the cost of the PB office thru our fees

Chan – the application fee – is an arbitrary amount – we voted that for a standard developer, not for a nonprofit

Andy – we did not distinguish that in our fee schedule

Bill Proia – we consider the application filed, that – the 21 days you have to determine whether the application

Bill proia – the application fee should reflect the costs incurred on the project – we would be willing to

Susy – it comes to us only after the building inspector refers it to us – that did not

Karyl – I thought we had a finding

Jim tusino – I am sure there is a lot of process – we filed the materials, we completed the application – we went thru our documents page by page – multiple copies as many as the bylaw – we delivered a copy to the clerk – we thought and we were on an agenda for a public hearing – by original schedule that was what we were shooting for – it was delivered – we want to figure out how to move this forward –

Susy – when your letter specifically asks the building inspector to find the bylaw invalid

Andy – relative to this fee

Chan – what have they paid in the past for fees

Susy – I don't know off the top of my head . .

Tom – this is a different project

Chan – if they were a for profit organization

Jim tusino – they will pay the remainder of the balance by Friday –

Bill proia – with the stipulation tonight that the application is complete to start the process tonight

Bill – I will be sending a letter to inspector on 21 day

Susy –

Barbara – I believe he said it was complete for starting the public hearing process – he just wants to get the process started – the normal process

Bill – if there is a request for information that is missing . . we know you have questions about it - we want to tell you about it within the legal framework

Andy – Barbara, anything else

Barbara – you need to start the hearing process – you look at the issues you are allowed to look at – get input from abutters, . .

Karyl – I think we are going to be having a lot of the word interpretation as we go forward – interpretation of the bylaw and the grey and fuzzy areas that may occur between what we have purview – I think it will be a creative process – a new one for the town – positive outlook that this will be a very fruitful process –

Barbara – the fact that this is the first time you have done this does f

Susy - generally, the concomm uses the PB's peer review

Susy - we will be looking for a proposal from Barbara and Gino -

Barbara - leaves at 8:35 pm -

Bill - the new wetlands regs say specifically that the stormwater stuff has to be dealt with  
- they have jurisdiction over the whole site if any water is going in

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Invoices to Pay

VHB - Construction inspections - \$290/94 - karyl, tom - all yes

WB Mason - office supplies - \$105.32 - general fund budget - karyl, tom - all yes

Registration forms for CPTC - 4 people attending at \$50 - \$200 - general fund - moiton  
by karyl, chan - all yes

Registratoin for OSC - Land Conservation = \$266 - karyl - chan - all yes

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Chan - two things came up at SWAP

MAPC is doing a study of park and ride lots around - they have selected the KMART in  
milford as a candidate location - this is a real tribute to Paul Yorkis' effort over the years

Theother thing - includes paul in a sense but I was involved as well - SWAP has  
priorited the reconstruction of route 109 between Holliston and Winthrop - needs BOS  
support - we are meeting with Dave D on this - dave suggests an open forum to discuss  
items of interest - underground utilities, lighting, paving - I would suggest the DRC get  
involved - dave and I both feel we should have some community input so they have some  
discretion - it would be like a public meeting - date to be determined - for the PB to  
develop a concept - it should be soon - we are trying to

Jan fish - this was done in millis, - contact the Millis board to find out how much over  
budget they went on that project - it was not fully funded - I want to make sure we do  
some due diligence

Chan - dave would like the PB to be the convenor of such a meeting -

Gino - SWAP put the Medway 109 project on the list - but nothing can go on without a  
design - it is probably at this point 10 years away from actual \$ -

Larry - how does the money work

Chan – town has to do the design – can be funded thru other sources – dave and I have to talk to the chapter 90 folks about funding – the quicker you get it designed and ready, the quicker it can get on the TIP –

Andy – water sewer meeting – was continued to Saturday – members of the water sewer board – I think they see what some of the business community and others in town have been seeking – allow for the utilization of pumps and force mains in the industrial park for the sewer system – IDC did a lot of legwork – cybex spoke and reiterated their willingness and plans to invest in midway with their expansion – 8 of the 11 property owners were in attendance – paul yorkis presented a written proposal – it may end up being an amalgamation of ideas . . .

Chan – one of the water sewer board members is not going to run, I have papers to do so –

Moiton to adjourn – 8:55 pm - bob, chan - all yes

March 11, 2008 PB meeting

PB MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, Tom Gay, Chan Rogers, John Williams

ABSENT: Andy Rodenhiser

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant  
Gino Carlucci, PGC Associates

The meeting was called to order at: 7:05 pm

CITIZEN COMMENTS – None

Bob – we are going to start off tonight with Marc Horne, Research Associate

PRESENTATION – Marc Horne, Northeastern University Center for Urban and Regional Policy

Guests – Glenn Trindade, Andy Espinosa, Dennis Crowley – BOS  
Jim Wickis, Open Space Committee  
Bill Wright, IDC  
Alison Slack, Affordable Housing Committee/Master Plan Update Committee  
Dave Harrington, IDC  
Jan Fish, FINCOM  
Jim Wieler, Master Plan Update Committee  
Kelli Ployer, IDC

Background – what causes businesses, developers to choose where they locate – biggest things that came out of this – labor availability, speed of permitting process, highway access, real estate cost, amenities/services - child care, parking, lunch, business association,

Myths came out that aren't important – minimum wage laws; access to rail; unions; local taxes;

What we hope to do is be a sophisticated partner – and assist small communities -

You can attract development – importance to be partners – we have partners with the commercial real estate community - 50 communities are participating thru out new England -

We talked to developers, site location specialist, chambers, competitive initiative, economic development groups –

We consider ourselves more than a research facility and think tank – we want to have partners at the community levels to make our research real

We do training programs – in Worcester about 1 year ago – inaugural event – primarily about how the economy works and how it relates

Municipal leadership academy – with MMA – on new forms of regionalism shared services

Self assessment tool – measures where you are – what kind of development you are suited for – measured against other communities in the study – you end up benchmarking yourself against the other towns – originally it was the older industrial communities – very comprehensive – 200 questions thru 10 categories – when you are done you get a report on line and then a written report with issues and concerns – you can measure against different kinds of jurisdictions – very easy to view – let's you know where you are in comparison – red, yellow, green - a lot of communities use this to write or rewrite their master plan – others use it as a way to understand what is going on – others use it to answer questions about how they compare – the more participants we get, the better the data – there is a lot of knowledge in these town halls -

You enroll once, but we would hope that you would continue as part of it – suggest you retake the test once a year – get feedback as often as you would want to . . . – one time fee of \$5000 – fairly reasonable – funds can come from anywhere – 43D towns can use that money – we are always available – we do have training sessions – we are focusing now on what is really working in Massachusetts –

We are also working on a corollary set of questions on how to attract a specific type of industry – logical next step in the process –

We want everyone in Massachusetts hopefully to participate – I have some brochures here – also direct you to our web site

John Williams – what type of access do you have to mass industry – who from the bus industry is involved –

Marc – we partner with associations – NIAOP – but not individual businesses – we have a localtion specialist, MMA, our partners

Bill wright – NIAOP

Dave Harrington – why did you target medical device – that business is going overseas so quick

Marc – not targeting that – just an example

Jim wieler – the self assessment – who does it – how does that work –

Marc – normally one person will head it – gather the info from various sources, - town fills out one of the questionnaire

Jim – what is your basis for grading against

Marc – right now we have 50 communities, mostly in Massachusetts – 41 – we may be going into pennsylvania soon – the sample is getting bigger -



Jim – how is this center funded? Say a town was to do this? Will you be around in 5 years

Marc – the CURP is part of Northeastern – part of – director of the center is the dean of the new school – part of Northeastern

Chan rogers – what does the \$5000 fee get you –

Marc – the \$5000 puts you in – feedback comes as quickly as you can put the info together – normally it takes about 4 weeks to fill out the test – and then we need 2-3 weeks to evaluate – we will come out for site visits and meetings – we don't think of this as a one time thing – take the test see what is wrong, build on what is good, see what is wrong – hopefully you can demonstrate progress . . .

Glenn trindade – very interesting to hear – what is most important is being able to permit quickly – we are using our grant money to put in place technology – the other piece is transportation access – we are putting sewer into the park – we fit this framework almost to the letter here – all the other stuff we are doing with the bottle cap lots – I would love to do this . . . in all seriousness, we would love to participate – money will be no issue –

Marc – sometimes towns partner with a chamber group to help fund the program –

Marc – Greg Bielecki, state ombudsman – maybe some grant money may be available

Bob – any grants out there that might fit this?

Gino – not off the top of my head . . usually, grants aren't that small – I could think about it a little bit

Bob –

Karyl – is there some kind of legal binding contract between the town and the university

Marc – normally, we send you a welcome letter and a contract – we try to not make it too complicated – we have signed long contract agreements with communities if they want to do that – it is a

Dave Harrington – idc – ask the PB one question, about expanding the industrial zones – have you done anything on that?

Bob - yes, . . part of program that andy is in – thesis is going to be the oak grove area – it is going forward

Bill wirght – comment – on the fees – andy and I had a brief conversation in preparation for tonight – explore with midway business council and getting local businesses to possibly sponsor this effort

Bob – we don't have this as a line item in our budget –

Bill – the results of this could be very helpful with the master plan – good timing – if we are doing it, I would hope we could use it as part of the master plan process –

Jim – I am a little foggy in terms of ongoing support – we get an assessment, but downstream, we get the report, - we can do this year after year, can we call you up for consulting

Marc – usually when they are having trouble interpreting – we field a lot of questions and it doesn't run out, we may get back logged trying to answer questions - we don't have student staff working on this – we keep this all with our permanent staff

Karyl – do you supply any site help on a specific applicant on a review? With what we go thru – how general

Jim – they really help with marketing

Marc – how do you attract people initially –

Karyl – we have a grey period – informal – come talk to us, that becomes a very important, insightful period – are you able to help us during those conversations?

Marc – no one has asked us to do something like that –

Dave Harrington – let's say a particular industry is thinking of coming to town, we weren't sure what that industry needs – could we come to you to help us evaluate how to handle a particular type of industry –

Marc – we certainly have info on what you can expect from certain types of industry – we are learning about industry specific factors – we are developing this . . .

Karyl – do you ever have a conflict of interest between communities

Marc – we are the only ones with access to all the towns data – you will never know which towns you are specifically being compared – we keep the town's info

Chan – do you look at subset problems within a town or small sub region for specific evaluation

Marc – if you have a specific question relative

Chan – about whether zoning an area a certain way, or how big an area needs to be for a certain industry type

Marc – we do get into some pretty specific questions how you are built out

Marc – marketing value to the towns? - it can help to know when you are talking to developers that you have the details . . . info and comparisons to other towns – this is how we stack up against

Kelli ployer – do you have a subsection that breaks down by highway region – 495 . . . I think people want to stay with 10-15 miles of a specific area -

Marc – you are competing against all kinds of towns – site location specialists are very active looking nationwide - if it has gotten to the stage where they are focused on the region -

Jim – I think you might be talking about the larger companies

Bill – can it be a subset of a smaller geographic area – like 495 corridor

Marc – we can't do that – we can't give you another

Tom – by town size, b

Marc – yes, budget size, racial makeup – but not a specific geographic area . .

Dave – I personally don't think a national developer will be coming into Medway Planning Board

Marc – a lot of small, regional

Dave – medway doesn't have a huge amount of land that can be put into development – Weymouth and devons are the big boys –

Marc – there is a reason why development doesn't take place – we want to help people find out why

Tom – cycle for changing questions?

Marc – yes, ongoing

Susy – who are the partners?

Alison slack – master plan – what kind of focus do you have?

Marc – it is a whole section of the test – median sale price, vacancies,

Jim – labor component,

Marc - educational background of residents;

Bob – did you have a listing on the presentation that you query into? Transportation, housing, -

Marc – 10 sections –

Gion – is there a way to account for nearby services – earlier example – midway business park is right across the line from milford –

Marc – yes . . we intentionally word things very carefully – somewhat vague – so you can say it is not in our town, but it is in our area –

Kelli – is this something you can start and save and go back to?

Marc- yes, online all the town –

Jim – could we see the list of questions so we could determine

Marc – I could send that to susy – so you can look over them – a lot of intellectual property there – complete discretion

Kelli – are there other colleges that are doing something like this?

Marc – we are not aware of this,

Kelli – do you have a partner with ULI

Marc – yes . . .

Susy – how do towns organize to get the data together?

Marc – divide up the sections – not any one person who could sit down – we hope that by taking the test you learn and become

Kelli – are there questions in there like – about – does our community have enough landfill area for waste that will come off new development -

Marc – yes . . that would be covered in the infrastructure section

Dave Harrington – in terms of trash, is there a contract for commercial trash in town?

Bob – I don't believe the town gets involved in that . . .

Marc – I am going to leave some info here with susy – thank you for your time – a lot of good questions, a lot of new questions –

Bob – thanks for coming out tonight – we will take a five minute break or so and continue on

8:05 p.m. – BREAK / / / Discussion . . .

Reconvene 8:20

## Invoices

\$375 – PGC – chan, karyl, - all yes

\$437.50 – Petrini and associates – chan, tom – all yes

Miscel consulting services --pgc 1106.25 – chan, karhyl – all yes

Sac - \$200 – for survey monkey – chan, karyl – susy put it on her master card

PGC – 43D project - \$2400 – chan, bob – all yes . . .

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Informal Discussion on 39 Broad Acres Farm Road –

Paul Desimone - I live at 39 Braod acres Farm Road – I would like to extend broad acres farm road and add in a lot – 2700 sq. ft of pavement for road – remove mly basketball court which is 5000 sq. ft – I wont propose any system – because antual pervious surface would be increased – I have 4.8 acres –

Chan – extend the right of way and then a T turn – private street – never to become public - 12 foot driveway

Paul – yes, they would have access thru my driveway

John Williams – anything about the geometry of the lot that wouldn't conform

Paul – no, both would conform – frontage, shape factor, area – I would be looking for construction waivers – it would meet specs

Karyl – for those that are new on the PB – quite a history in this area – streifer proerlty – this is a contrivance, there isn't frontage – there has been a bit of a moratorium on the PB for extneidng off of a cul de sac – it rests in the desires of the PB whether you would want to allow fo rhte congtrivance and then waive the construction of the - it becomes a contrivance to create frontage – he is creating a cul de sac which creates frontage and then he is asking us to waive the construction of the cul de sac to put in a T turn – do we want to do that

John Williams – is there another way for the lot to be developed

Paul – I would have to pave the actual cul de sac

Karyl – it is not a slam dunk to do a cul de sac off a cul de sac – see Tulip Way – we don't want to repeat that – should he actually construct and pave or allow him to do

Chan – you might use the word ingenuity instead of contrivance

John Williams – without the contrivance, would the lot go thru anyway . . . is this a question of no lot of all,

Chan – this particular configuration is not that prevalent – nice neighborhood –

Paul – my land is the lowest –

Tom – are you showing the actual wetlands

Paul – no flood plain, this shows the flagged wetlands

Tom – I think we have multiple issues here – if you are looking for waivers on some stuff,

Bob – in order to grant a waiver, there has to be something in the best interest of the town – you do have that requirement –

Paul – this section of my driveway now – it will be my maintenance

Karyl – if the second cul de sac was constructed I would imagine that would start shedding a lot of water problems to that way - been a long road with the owner to the south streifer – what is

Paul – 60 foot radius – 75 foot radius for the existing cul de sac – that is the old regs . .

Chan – what are you proposing for width

Paul – existing 12 foot now, whether you want me to up that?

Karyl – this is not unlike the situation we are looking at with Mr. Sibley's property –

John – where is the best interest of the town criteria met?

Bob – I guess you have heard our comments on it . . . I would say 18 foot paved

Karyl – is everyone convinced on allowing that . . .

Bob – I am not too keen about a cul de sac off of a cul de sac

Gino – I am not aware of it . .

Karyl – do you know what I would like to see – I would like for you to come in with a couple of different concepts

Paul – I can show you an alternative – I could bring that in

Karyl – a couple of visual concepts - I want to see other ways than a cul de sac off of a cul de sac . . – if there is another solution, I would entertain that . .

Chan – he has plenty of land to develop - say it is an extension of a road off a cul de sac – it is the interest of the PB to be fair to everybody

Karyl – I disagree a little bit - . . in the philosophy – the idea was to have roads that go onto and off of main roads and connect – this becomes not that – this is a convenience

Bob – paul is saying he could come back with another scheme – we all have valid points, we have given him some input now

Tom – I think there is a concern about cul de sac off of cul de sac – is there a way to waive frontage

Paul – I went to the ZBA first to try for a variance – they declined to do that . . . I would like to not do this, I will come back . .

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Daniels Wood II – PH continuation

Paul – history - our last discussion was pavement and drainage – we had Rick Merrikin – he came up with a design – cul tech units – we got comments back from Susy - Rick Merrikin will call TTR direct on the comments – Rick Merrikin recommends an 8 inch pipe under the driveway – you got to keep the drain clear - the drainage system will be on a separate parcel which is the road –

Dave Pellegrini – very basic design – more just adding a few things to the analysis to meet the regs – it was pretty straightforward –

Paul – one of the comments on infiltrators for the roof – we can give you that test data – we can give that to you

Bob – how did your end of the driveway make out with the last storm

Todd Allen – runoff along the stone wall – I redirected it back to the drain and that handled it fine –

Paul – Rick said an 8 inch drain would be better . .

Todd – I have started to talk with the Eltons to work together to do some grading

Paul – we are asking for a waiver on the long dead end – Todd's pavement is about 13 feet wide on the average – we are looking at 14 feet width for new paving and then 18 feet width for the turnaround

Karyl – I think it needs at least 14 feet

Karyl – are you going to lose a lot of trees

Fred – November 2003 original certificate of approval – the way is to appear as a single family home driveway –

Paul – we will try to keep as many trees

Paul – cul tech unit is 36 feet long by 15 feet wide

Karyl – how about some decent landscaping planting scheme to replace

Paul – we could plant some stuff – most will stay natural – we will lose some trees to construction

It will need a waiver from 18 feet standard

14 feet all the way to the cul de sac

John –

Fred – it was agreed upon that there would be a second lot – if I had developed the site as to its full capacity, it could have been 6 duplexes – the board agreed to 4 lots total in exchange for certain waivers

Rob Kenney – that will cap Daniels Road – what is lot 2B?

Fred Sibley – it is a subdivision of a larger piece of property –

Paul DeSimone – the lots have all frontage and area as required

John Williams – why the common drive?

Karyl Spiller-Walsh – as a way to get open space . . .

Bob Tucker – I don't see any reason why Susy couldn't start to work on the decision . . . the generic parts I see that you have some additional communications –

Gino Carlucci – one other waiver is for a typical cross section – you need them for both . . .

Motion to continue to march 25 at 8:30 pm – chan, tom . . . approved

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Susy AC report



Zoning . . .

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Marina community

Town Counsel estimate - \$1750 - 10 hours

PGC Associates - \$450 - 6 hours

Chan – how many sessions

Susy

Karyl – any feedback from Andy on request for another attorney

Bob – Andy does have a call into Suzanne to ask her about that – once he gets an answer, he did indicate he would let you know what that feedback was

Chan – one thing that might help, is to say we only need the attorney one night, not both nights,

Karyl – the fact that we are relying on the opinion of the attorney that was with us at the time and her understanding at that moment, it is very important that there be as to our parameters – we are in the dark – what is important to decipher the subtleties between the lines – it could be extensive

Tom – don't get fooled by the limits of legal review . .

Bob – as with any project, it is an estimate – so many unknown conditions –

Karyl – do we expect to be giving money back

Tom – we have a little bit more than the estimates –

Motion to go ahead – tom, karyl – all yes . . .

### **Committee/Liaison Reports**

DRC – Gatra sign – we went to the ZBA last week, they had to postpone and reschedule for april

Tom – this issue came up with my collection of signatures

Chan – we have a couple of meetings next week . .

Bob – We did have the CPC meeting last week – there annual event – number of proposals for use of CPC 4 – consider to possibly increase membership of CPC to include a rep from the Open Space Committee –

Bob – I have only been on the PB a short time, it is a constant learning curve – there is something to be said about learning from the standards over the years, think outside the box and challenge some of those standards . . .

Chan – lovefest here last night at BOS meeting with the state legislative delegation . . . I spoke with the two reps Vallee and Loscocco re: special legislation to address - maybe to effect bottle cap lots – to declare it by eminent domain . . . I think it is very interesting that they would be willing to help.

Motion to adjourn – karyl, tom – 9:35 pm

**Medway Planning Board Meeting**  
**Tuesday, March 25, 2008**  
**Medway Town Hall, 155 Village Street**

PRESENT: Andy Rodenhiser, Chan Rogers, Karyl Spiller-Walsh, John Williams

ABSENT WITH NOTICE: Tom Gay and Bob Tucker

ALSO PRESENT: Gino Carlucci, PGC Associates; Barbara Saint Andre, Town Counsel;  
Susy Affleck-Childs, Planning Board Assistant

The meeting was called to order at 6:33 pm by Chairman Rodenhiser

**Public Comments** – None

Andy Rodenhiser - Town Counsel Barbara Saint Andre is here to advise us on the issues that are before us related to the public hearing we will have this evening. This is a general discussion about exempt uses and what we can and cannot regulate.

Barbara Saint Andre – I hope you had a chance to look at the letter I sent. Generally under the Dover Amendment, you can look at parking and open space. What you have to be careful of – even where you can regulate – is that you can't impose restrictions so strict that they would prevent the use from being able to occur. Under the Dover Amendment, exempt uses are allowed anywhere in a town. Under your (zoning) bylaw, you did something which is an excellent way to approach it. It gives specific dimensional requirements for exempt uses - that is a good way to go about it. And then in V. P. 4, it provides for a referral to the PB for a limited scope site plan review process. It is site plan review, and it is still that process, but you not going to be allowed to go thru issues that you would for others. For example, you cannot require an impact report. I think you have a pretty good outline of where you have to go at this point.

Karyl Spiller-Walsh – In the state law, some of the determinations that you can regulate are bulk, height of structures and land coverage? Just starting with that alone opens up a grey and fuzzy area. What does that mean? What is land coverage? Is it the vision of roof lines would that have any bearing on bulk? With height, what would exceed the height?

Barbara Saint Andre – “Bulk” is a strange word I agree. Bulk and height pertains to how big the structure is – how tall – what is the scale – I don't know if you address that?

Karyl Spiller-Walsh – Is it a definition issue? What is “bulk” synonymous with?

Barbara Saint Andre – It is one of the areas you can regulate (per state law) but you don't have to do so.

Andy Rodenhiser – But our bylaw doesn't address the bulk issue.

Chan Rogers – That site normally could not be used for a commercial hotel. We don't have any regulations to control the bulk.

Karyl Spiller-Walsh – What does bulk mean? Is it in relation to other existing or is it what is allowed in the zone?

Andy Rodenhiser – Bulk is going to be determined by a court in an appeal of a decision.

Barbara Saint Andre – Bulk is the size. Right now, you don't have any requirements for bulk in V. P. You could consider amending your bylaw to do so, but you have to be careful.

Karyl Spiller-Walsh – My concerns relate to bulk and height.

Andy Rodenhiser – We can't address it if it is not in our bylaw language. We don't have anything to regulate "bulk" in our exempt uses section.

John Schroeder – Can one be exempt from environmental impacts?

Barbara Saint Andre – Certainly not from the state Wetlands Act but you cannot have require an environmental review for site plan review of exempt uses.

Chan Rogers - You don't have this argument in anything except an exempt use.

Andy Rodenhiser – This isn't a religious use.

Karyl Spiller-Walsh – It is an accessory use.

Barbara Saint Andre – In general terms, the building inspector, determines whether the use is exempt or not.

Andy Rodenhiser – A group may be a religious use, but the fact whether a particular usage of the property is or is not of a religious nature is determined by the building inspector.

Barbara Saint Andre – We have to distinguish between a religious organization and a religious use.

Chan Rogers – You could say it is like a campus, with a dormitory.

Barbara Saint Andre – There are a lot of cases involving schools where they have said that dorms are part of the educational use and therefore are exempt.

Andy Rodenhiser – What about issues of parking in proximity?

Chan Rogers – Usually our rules and regulations are related to aesthetics or safety. If they do something on the property who is responsible? They become responsible for anything that takes place no matter how well or poorly it is built

Barbara Saint Andre – A private land owner knows that they are responsible for what happens on their property.

Chan Rogers – The exempt use is responsible for whatever may or may not take place that may or may not be detrimental.

John Williams – The things we get to comment on – parking, open space, building coverage, what else?

Barbara Saint Andre – Yard size is one. Usually you think of setbacks from lot lines for this.

Andy Rodenhiser – Open space could be relevant to the yard.

Barbara Saint Andre – You could certainly regulate open space.

NOTE – Susy Affleck-Childs read the open space provisions of V. P. for religious facilities –

Karyl Spiller-Walsh – What does building coverage mean?

Chan Rogers – The size of the building as a percentage of the lot, the footprint.

Karyl Spiller-Walsh – If there is an inability or lack of desire to include parking at the site of the building, can there be some kind of disclosure or contingency in the plan process that will go with the land so that the parking will not just appear at a later date (without being reviewed)?

Barbara Saint Andre – If I own a piece of property and want to put in a new parking lot, would I have to go thru site plan review in Medway?

Gino Carlucci – Could there be a condition of an approval, to have to come back?

Barbara Saint Andre – You can certainly put on reasonable conditions as long as you put them on the key things you can address.

## **Other Business**

Andy Rodenhiser - Susy, did you speak with the applicant for Daniels Wood II about continuing the public hearing?

Susy Affleck-Childs – Yes, I did speak with them about continuing the hearing because one of the members who needed to participate in the hearing is not able to be here tonight because of business. We need to have a discussion on April meetings. I would ask you for a special meeting on April 1 to meet with the Industrial Development Commission to review the economic development related zoning articles. We could also do the Daniels Wood hearing that night. I also need you to have a special meeting to do the zoning public hearing. I missed a deadline for getting copy to the newspaper in time to publish a hearing for April 8<sup>th</sup>. Would you consider April 15? Andy cannot attend on April 22? Also, the annual town meeting is May 12, not May 19 as I had originally understood.

Andy Rodenhiser – The meeting we had with the selectmen to review our town meeting articles was very well received. The way they were presented (with a summary cover sheet) was very good. I would suggest we post them onto the web site in this fashion. Much thanks to Larry Ellsworth (FINCOM) who suggested the format to be used.

## **Route 109 Reconstruction Task Force**

Karyl Spiller-Walsh – We have two people from DRC going to lecture in Boston tomorrow by Paul Lukez who wrote the book *Suburban Transformations*.

Chan Rogers – Everybody is focusing on the aesthetics on Route 109. There should also be somebody like myself who is interested in traffic signal improvements. I am heavily involved

with Summer Street and Franklin Street, if we load the committee up with 100% aesthetics folks, we'll miss out.

Andy Rodenhiser – I see you there already helping out. It is a natural fit.

Chan Rogers – I brought this whole thing to Town from SWAP. And we do want to address it but I don't think it will take 6-8 years if we can move ahead now.

Andy Rodenhiser – The BOS would like it to move faster as well.

Karyl Spiller-Walsh – This lecture by Paul Lukez is not about just aesthetics. He addresses tunneling devices and berming, some very interesting concepts.

Chan Rogers – When is it?

Karyl Spiller-Walsh – Wednesday at 6 pm at the Boston Public Library.

## **Invoices**

Reimburse Susy Affleck-Childs for notary public stamps. \$56.60 from our general fund Office Supplies budget. Motion by Chan Rogers, seconded by Karyl Spiller-Walsh. APPROVED.

Petrini and Associates for legal review of the EnerGov software contract. \$245 from the 43D Expedited Permitting grant. Motion by Chan Rogers, seconded by Karyl Spiller-Walsh. APPROVED.

## **Public Hearing – Marian Community Retreat Center/Lodging Facility 7:15 p.m.**

Andy Rodenhiser – I will call to order the public hearing for the Marian Community Retreat Center/Lodging Facility. I have a prepared statement to read and then we will begin.

NOTE – The prepared statement is attached.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to dispense with the reading of the public hearing notice. APPROVED. The notice is attached to these minutes.

Bill Proia – Good evening, I am Bill Proia of Riemer and Braunstein, representing the applicant. Thank you for the statement. I will go right to the site plan. This shows the entire parcel of land. We will construct a 72 room double occupancy retreat center. The idea is to construct a two way traffic road, 9 ft wide made of bituminous concrete with a one foot berm on either side. There will also be a sidewalk on south side of the road all the way to the retreat center (from the main building).

Additional parking will be provided as shown to the south of the existing parking field and to the north of the spiritual center and a couple of spaces at the retreat center. We have made some changes to the handicap spaces so they are right in front of the building and then we have a few spaces off to the side for shuttle parking.

There will be a gravel road surrounding the building so public safety vehicles have full access. We do have an email correspondence from the Fire chief and he said it was fine.

Chan Rogers – The black line on the drawing you are referring to . . . is it the property line?

Bill Proia – Yes, but we don't show the entire site on this.

Bill Proia – One of Gino Carlucci's (planning consultant) observations is that the aisle in the new overflow parking area is unsafe. Normally it would be a 25' aisle. That can be accommodated; it can be shifted to make that work. Similarly, he had mentioned there were no parking space dimensions shown on the plan. We would do 9' by 18'.

Bill Proia – The Marian Community has been having retreats since the beginning. The issue we are having now is that off site lodging isn't working. We want to accommodate those people on site. We have been finding that the existing parking areas have easily accommodated the retreatants when they come.

Karyl Spiller-Walsh – The parking spaces for the sculpture area are not included in the your parking numbers, is that correct.

Bill Proia – Yes. That is separate.

Gino Carlucci noted concerns about 2 way traffic on the circle at the spiritual center. It is already set up as one way traffic circulation around the loop.

Another comment was that there was not anything shown on the plans about lighting.

There is existing lighting in the parking fields. It is adequate.

Andy Rodenhiser – And there are lights in the grass areas now.

Bill Proia – Lighting for the parking at the dormitory will come from the building itself.

Gino Carlucci – I also had a comment on the parking being added at the north of the spiritual center building. It seems like an awkward interface with the roadway.

Bill Proia – There are a couple of ways we could deal with that. We feel we have an overabundance of parking. But maybe we could reconfigure that. It might eliminate a couple of spaces but safety would be better. That would be a good solution for that.

The stormwater question we have already addressed. In January, there were new stormwater regs adopted by DEP. Anytime an NOI (notice of intent) has to be filed with a CONCOM, the stormwater standards have to be complied with. That does not apply to just within the standard wetlands jurisdictional scope of a CONCOM but for the entire area. The drainage that goes with the project will be reviewed by them.

Chan Rogers – I don't know that Conservation Commission's interest in drainage is the same as ours. They are more interested in the drainage as it effects or pollutes the wetlands.

Bill Proia – None of the runoff that will be created can go anywhere except to the wetlands.

Andy Rodenhiser – My only concern is not necessarily for today, but if there were ever to be another application to come before us (to develop another part of the site), I would want to see

the drainage analysis backup data. In the interest of economy for yourselves I would hope you would take that into consideration as you construct this.

Bill Proia – We are designing this so that next steps could be made. A good example is the bridge. Last year, we had to go to the ZBA for permission to build in the flood plain. The design that was approved is the design you had seen in the last go around (with the ARCPUD application). It is the same plan. Whether the bridge will look exactly the same from the ground up, I don't know, but the culvert system as engineered is how we will proceed.

Karyl Spiller-Walsh – While we are sort of on the subject of the wetlands. . .in looking at the map (aerial photograph) I made a few phone calls to others who may have looked at the aerial photo of the site plan. The black shapes that are on the aerial view are water? Is that correct?

Bill Proia – This does not show delineation of the wetlands, it is just a picture of them.

Karyl Spiller-Walsh – Are those dark areas water or rocks?

Bill Dexter (Northwest Engineering) - Some are vernal pools, but there are some black splotches that are shadows.

Andy Rodenhiser – We should count more on wetland maps (than aerial photographs).

Karyl Spiller-Walsh – Which I have from some of the former plans. What is this shape (pointing to an area near the dormitory footprint)?

Bill Dexter – That is wooded area. It is not water. We didn't put any of the dormitory near water.

Bill Proia – It is the roadway construction that triggers the Notice of Intent with CONCOM (not the building).

Andy Rodenhiser – It is not called out as to what that is.

Bill Proia – It is not water.

Chan Rogers – If it were water, the CONCOM will be directly involved.

Bill Proia – We wouldn't put it on water.

Bill Proia – Regarding the 10 foot strip around the building – the tree line is not being changed – we are compliant with the 10 foot vegetated buffer . . #9 – I have addressed with my comments

Gino Carlucci – There was no info shown on grades or construction for the road.

Bill Proia – The sidewalk will be bituminous concrete construction.

Gino Carlucci – One parking question is the fact that the parking is not close to the building (dormitory).

John Williams – Based on the square footage of the building and the number of employees, do you have enough parking?



Bill Proia – Yes. That is shown on the plan. Regarding the distance from the parking areas to the retreat center, we deliberately did that. The idea here is spiritual and spatial removal. People say goodbye for the weekend. We will have attendants to help people with their bags and parking. The idea is to be immersed in the experience. We don't want parking around the retreat building. We want to keep the land pristine right around the lodging. We want to limit the impacts. It fits into the spiritual motivation and it makes sense from a land development perspective.

Andy Rodenhiser – Gino, did you have comments on the sidewalk and lighting?

Gino Carlucci – I didn't know that it even was a sidewalk!

Bill Proia – It is 4 feet in width.

Gino Carlucci – It will have to have handicapped provisions so that wheelchairs can pass each other.

Andy Rodenhiser – Do you intend to show that?

Bill Proia – Anything that is required outside the zoning bylaw like ADA will be shown on the plans given to the building inspector.

Barbara Saint Andre – ADA requirements and AAB requirements, building codes, fire codes – they have to comply with absolutely all of them.

Chan Rogers – Your not showing them doesn't preclude you from having to be compliant.

Bill Proia – I know that. All those things are independent of what this board does.

Andy Rodenhiser – Our concern is the transgression of people from the building along the sidewalk. That is our scope.

Bill Proia – I don't disagree that the building code and ADA has to be complied with.

Chan Rogers – The only reason for the discussion, we don't have the plans to tell us that.

Andy Rodenhiser – What we have been given is fairly limited in terms of what you are planning to do. We want to be fair to you and we want to do our job.

Bill Proia – We will comply.

Barbara Saint Andre – It is a more basic question. You have mentioned a few revisions tonight. I was assuming that you have a copy to submit to the board, so they can refer to it?

Bill Proia – Any revisions obviously we would give you. . . yeah.

Chan Rogers – Presuming we approve it, doesn't mean the other requirements aren't enforceable.

Bill Proia – Yes.

Andy Rodenhiser – We just have to write a good decision that includes all these stipulations in there.

Bill Proia – All state, federal, and applicable local rules, even if you didn't put that in there (the decision), it would still have to apply.

Karyl Spiller-Walsh – To whatever extent if it is a site plan review will a final site plan be submitted to ConCom and the Board of Health? It does need all of them on the final site plan at whatever point you choose to present to us. We would like to see if you have already come to a decision.

Bill Proia – I disagree that the site plan will show everything we have to comply with (with all the boards). Is it going to show everything? No. Is it going to show the building plans? No.

Bill Proia – It (the site plan) will show whatever you can regulate.

Andy Rodenhiser – He has no intention to do anything more than what he has to.

Chan Rogers – What we can regulate is miniscule compared to the overall requirements that are applicable by the other agencies so to speak and I appreciate that you can't possibly show all that on a plan.

Bill Proia – Even if we wanted to, we couldn't do it. It just won't be under a sort of umbrella package. We will get you copies of the other approvals and plans.

Karyl Spiller-Walsh – Why isn't there an overall package that makes one statement as a finished product?

Barbara Saint Andre – Even for regular site plan review, you don't have building code drawings. But you would certainly have more than what you have here, there would be more detail, but you would never have the building code plans.

Chan Rogers – I am not uncomfortable with this.

Bill Proia – By not showing it on this set of drawings, it doesn't mean anything. We are trying to get to that level of detail that we have to provide and is necessary here. It (the site plan) certainly wouldn't reflect every other body of regulations that apply to this project except in a condition (in the decision) that the project has to comply.

Karyl Spiller-Walsh – To revisit this, at the end of the review by Board of Health and ConCom, won't there be a finished product that shows everything?

Andy Rodenhiser – There might be a drawing that is submitted to ConCom, that could be submitted to us.

Andy Rodenhiser – We are asking for an updated drawing.

Karyl Spiller-Walsh – Once they go thru ConCom, will there be a culmination these findings incorporated into a plan?

Barbara Saint Andre – If they leave here next week with an approved site plan and a bunch of conditions from you and they go to ConCom and they say no you can't have parking there, depending on what happens, they will have to come back to modify site plan approval, so at some point there will be a final drawing.

Karyl Spiller-Walsh – There will be some addendums that will have to go along with the plan, or some findings, some kind of a final product.

Bill Proia – Do you mean an as-built plan once the project is done?

Andy Rodenhiser – Karyl, I am losing you.

Karyl Spiller-Walsh – Will there be some kind of a plan showing all the changes that have been flushed out?

Andy Rodenhiser – They will have to come back for a modification.

Barbara Saint Andre – The final plans are what go to the building inspector. He is the final spot.

Bill Proia – Bob Speroni has to enforce everything. He will see the site plan, he will see the Board of Health plan and that approval, and he will see the ConCom approval.

Chan Rogers – We are not going to have such a plan at the time we make our decision. So we can't worry about the total encompassing plan that Karyl is talking about. We have to make a decision before that.

Bill Proia – If the board would like a copy of what we submit to the building inspector, we can drop it off.

Karyl Spiller-Walsh – The town should know what is being done. As long as Susy has a copy of the finished product.

Andy Rodenhiser – Any other board questions?

Andy Rodenhiser – Any public questions and comments?

Nancy Maxwell, 20 Diane Drive – Where is the statue? I am questioning about blasting for the construction and for the wetlands what I am thinking about is the road salt.

Andy Rodenhiser – Has blasting been taken into consideration?

Bill Proia – We are not going to talk about wetlands issues here.

Jim Tusino, project manager - A lot of care was taken into the siting and position of the building. Test holes were done to avoid ledge. There will probably be no blasting for the building but there might be some blasting for utilities. The position of the building was to have the least impact on resource areas, to leave them intact. The building is outside the (wetlands) buffer zone. The only thing that triggers the NOI is the road and utilities.

Larry Ellsworth, 148 Holliston Street – Is this an appropriate forum for ask about the use of the site? Can you tell me your expected demographic – ages, disability, etc. What I am driving at is

that it is about 1700 feet from handicap spaces to the street. I worry about access for emergency vehicles - a winding road in the winter, some slick night. I am also curious why it is sited so far from the main road. I am curious about the right side of the Y intersection and what you anticipate the use there is for?

Bill Proia – I am not going to answer the demographic question. I expect all kinds of people will come - young, old, short, fat, skinny, athletics, etc. All are welcome.

Bill Proia – The setting was picked to accomplish our purpose which is to remove people as far as possible. This is a faith based, loving community. If people need help walking, they will be helped. The harsh model that you have won't apply here at all. The building is where it is because we think it is the best place for people to have this experience. We have accommodated changes suggested by the Fire Chief.

Bill Proia – The Y (intersection) is the existing sculpture garden. I invite you to go up there. It is a gravel road right now and a gravel parking area. It is nothing new. It has been there for quite some time. It is integral to the spiritual mission of the community.

Larry Ellsworth – I merely want to comment that my view is not harsh. I want to make sure that any occupant has access to emergency care. It seems a long way.

Barbara Saint Andre – I am still not clear about lighting along access road from parking lot to retreat center.

Bill Proia – Nothing planned except for posts on the bridge.

Karyl Spiller-Walsh – What will the maintenance issues be at the center? Is there on site provisions for food?

Bill Proia – There is a small limited service kitchen in the retreat center for a cup of tea or snack with a refrigerator. The main building has a full service kitchen.

Karyl Spiller-Walsh – Just for definition and clarity, would it be appropriate to call it (the retreat center) an accessory building to the main center (spiritual life center)? Is it sort of an accessory to what you already do?

Bill Proia – I don't think so. There is some teaching and meeting space in the retreat center. To me, it is a comparable principle use structure.

Barbara Saint Andre – I was trying to figure, the new building is basically a place for people to sleep. Then there are programs, meetings, spiritual gatherings at the building up near the street.

Bill Proia – Some activities could happen outside. There could be discussions at both facilities. The whole site is the classroom and the retreat happens everywhere.

Barbara Saint Andre– All the new parking spaces you are putting in will be paved?

Bill Proia – No, it is not going to be paved, it is hard packed.

Barbara Saint Andre– Are there existing catch basins right now in the existing parking lot.

Bill Drexel – It has some catch basins. The grass area will be used for overflow parking, but it will be designated as grass overflow parking.

Barbara Saint Andre – The reason I am asking is that I could envision that you might have 72 rooms full. Could you then be having another event in the main building?

Bill Proia – We applied the current formula of parking for our main space. There was no formula when we first built.

Barbara Saint Andre – The other parking area adjacent to the building would be what?

Andy Rodenhiser – The overflow parking would be a grassed area and the parking near the sculpture would be gravel.

Jim Tusino – That will be bituminous concrete near the sculpture garden. We need a hard surface to fulfill ADA requirements. The balance of overflow parking will remain earthen surface.

Andy Rodenhiser – Is it plowed?

Jim Tusino - They plow it if they need it.

Jim Tusino – When they use auxiliary parking, they have a host of volunteers that actually park the cars and they fill it up the parking area.

Jim Tusino - There are about 125 active members who volunteer.

Barbara Saint Andre – As far as the parking near the new building, there will be handicapped parking? How many?

Bill Proia - 4 spaces.

Barbara Saint Andre – There was some mention of shuttle buses? Is there a drop off location?

Bill Proia – Yes. The road is paved. The emergency route behind the building is gravel.

Karyl Spiller-Walsh - The dark area, is it water? Or is it a valley? Will you be filling it and having a retaining wall?

Bill Proia – There could be and along the roadway.

Jim Tusino – When we positioned the building, we did a tremendous amount of wetlands research.

Andy Rodenhiser – Are there any other questions?

David Travalini (CONCOM Chairman) - They have presented nothing to us yet

Bill Proia – The ConCom can ask for full compliance with stormwater regulations.

David Travalini – Since the PB has generally required stormwater analysis for project, we have essentially asked you to do that but we will have to do that now for this project.

Bill Proia – I have a question, there wasn't a mechanism for the ConCom to hire a consultant . . . that had been an issue before. Is there a 53G account?

David Travalini – Part of our rules and regs is that they have to hire consultants to document.

Nancy Maxwell – Compared to what was presented before, I think this is better use of the land. It is a good use. It is gorgeous land out there. I hope as a taxpayer that somehow the town and its various boards and the Marian community can come together and find a way to make this work.

Andy Rodenhiser – This does not preclude them from coming back with what they had proposed before.

Nancy Maxwell – I understand.

Susy Affleck-Childs – Any intentions on open space connections as had been discussed during the ARCPUD review?

Bill Proia - We will not have any open trails available to the general public.

Karyl Spiller-Walsh – In a discussion of good will, etc. in the former ARCPUD project, when Mr. Coppa came in with some ideas on design, the DRC was able to give him some suggestions. Would you consider that for this? The DRC is available.

Bill Proia – We have an architect. You could make some comments. We would not want to have to do anything that is tied to an approval or would slow up a decision.

Andy Rodenhiser – Should we close the public hearing tonight?

Susy Affleck-Childs - I would suggest you leave it open for one more session to give you some more time to think and have questions to pose and gather information.

Barbara Saint Andre – Once you close the public hearing, the time for receiving information is over.

Bill Proia – Could we do a modified closing and keep it open for written comments?

Dave Travalini – They are doing a crossing here and it looks like they are close to a vernal pool.

Chan Rogers – I have no reservation about closing the hearing.

Jim Tusino – Against the advice of counsel, I want to tell you that time is of the essence with this. I have tried to do whatever I can. She (Sister Margaret) needs to move the project along. She has a time schedule that is important to her. Time is of the essence. We can't file with ConCom until we are done with you. We will provide as an as built. We need the dimensional approval. The project cannot wait.

Andy Rodenhiser – It is not our intention to make you wait until the end of the maximum allowable time.

Andy Rodenhiser – We are very limited in our ability to review this. This is a foreign procedure for us (to review an exempt use). This is new for us. We want to be fair to you guys.

Bill Proia – It is a shock that the bylaw exists at all.

Andy Rodenhiser – I am surprised you said that.

Karyl Spiller-Walsh – The descriptions we are allowed to consider by the state are ?????

Barbara Saint Andre – My position is that the provisions were passed by town meeting and approved by attorney general and we are going forward. The board has kept in the scope.

Bill Proia – We would appreciate it if you would close tonight.

Jim Tusino – There will be a meaty review by the ConCom, and by the building inspector.

Chan Rogers – All those groups make their decision. All those apply no matter what you (the PB) do.

Andy Rodenhiser – My only concern is that I know Karyl will have questions after tonight. If we close the hearing, we won't be able to ask those questions.

Chan Rogers – I don't see what kind of information we are looking for.

Andy Rodenhiser – We can't accept other info after the public hearing is closed.

Barbara Saint Andre – Once the hearing is closed, you cannot receive any additional information. But when you are putting together a list of conditions, you can ask them about something but they can't provide new information.

Andy Rodenhiser – Can we keep the public hearing open for deliberations?

Bill Proia – A good compromise would be to keep it open to discuss a draft decision.

Barbara Saint Andre – You have the right to impose reasonable conditions.

Susy Affleck-Childs – We intend to invoke Mullins rule (for absent PB members Tom Gay and Bob Tucker). Are there any issues on closing the hearing or not with that?

Barbara Saint Andre – No. You can close as long as they have time to review before you deliberate.

A motion was made by Chan Rogers and seconded by Karyl Spiller-Walsh to keep open the public hearing and start to work on the decision with the intent to make an earlier decision and to make a decision as soon as possible. APPROVED.

Andy Rodenhiser – Dave, is there anything else? Could they file with you (CONCOM)?

Bill Proia – If you are going to shift the road or the building, then we would have to change the plans for CONCOM. Are you saying the road is OK?

Jim Tusino – I can't get a building permit without site plan approval.

Jim Tusino – What could you possibly say that you don't like about the proposal? What type of things?

Karyl Spiller-Walsh – I don't know yet. I may have other questions.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to continue the public hearing to Tuesday, April 1, 2008 at 6:30 pm. APPROVED.

NOTE – Susy will begin a draft decision.

### **Public Hearing Continuation – Daniels Wood II Definition Subdivision Plan** 8:48 p.m.

A motion was made by Karyl Spiller Walsh, seconded by Chan Rogers to continue the public hearing to Tuesday, April 1, 2008 at 8:30 p.m. APPROVED.

### **Discussion on one lot subdivisions**

John Williams – We are linked to the master plan. I think the term for the “betterment of the town” applies. There is a conflict here in our responsibilities.

Karyl Spiller-Walsh – The master plan guides the development of the rules and regs we use. The rules and regs reflect the master plan.

John Williams – Can he use the land and develop the lot without permission of the board?

Chan Rogers – We want to avoid unnecessary pavement so it makes sense to waive full road construction.

It was agreed to continue this discussion on April 8<sup>th</sup> when the other PB members will be in attendance.

### **Zoning Bylaw Amendments Public Hearing**

The board set the public hearing for Tuesday, April 29<sup>th</sup> at 7:15 pm.

### **Other Business**

Karyl Spiller-Walsh distributed the new DRC brochure.

Susy Affleck-Childs – I think it is time to revisit our board liaisons functions. Too much is falling on Andy.

John Williams – Bill Wright of the IDC contacted me.

Susy Affleck-Childs – Please note the new Development Handbook, it was in your board packet. We have received some comments requesting some revisions and Gino is making those. Once complete, I will repost it to the web.



Susy Affleck-Childs – We finished up the 2007 Annual Report. Thanks to Andy Rodenhiser for his work in getting in written.

A motion was made by Karyl Spiller Walsh, seconded by Chan Rogers to adjourn.  
APPROVED.

The meeting was adjourned at 9:20 pm.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

Opening Comments – Marian Community Retreat Center/Lodging  
Facility Site Plan Public Hearing  
Andy Rodenhiser  
3/25/08

Good evening,

We will now open the public hearing regarding the Marian Community's proposed retreat center/lodging facility at 154 Summer Street.

For the benefit of those present in the audience, I would like you to be aware that this meeting is broadcast live on local cable access and is taped as well for rebroadcast.

I am Andy Rodenhiser, chairman of the Planning Board. I would like to introduce my fellow Planning Board members who are here tonight – Karyl Spiller-Walsh and Chan Rogers and Associate member John Williams. For business reasons, members Tom Gay and Bob Tucker are unable to attend tonight. However, they will review the videotape and meeting notes and participate in future meetings.

Also at the table with me are Town Counsel Barbara Saint Andre, our planning consultant Gino Carlucci, and Planning Board assistant Susy Affleck-Childs.

The legal notice for this public hearing was published in the *Milford Daily News* on March 11 and 17<sup>th</sup>. Copies of the public hearing notice are available for your review.

On March 4 and 10<sup>th</sup>, a public hearing notice was sent by certified mail to the owners of property in Medway and Holliston located within 300 feet of the Marian Community's property. You are probably here because you received that notice.

May I have a motion to dispense with the reading of the official public hearing notice? . . . .  
Thank you.

On your seat is a general handout that explains the public hearing process. I encourage you to read it and take it with you when you leave.

I would like to review with you how the public hearing will proceed tonight.

The applicant's representatives will introduce themselves and make a brief presentation to describe their project.

That will be followed by questions from the Planning Board.

Our planning consultant, Gino Carlucci, will summarize his review comments and questions.

Then the public will have its opportunity to speak. All speakers and responders will be recognized by the chair. Please raise your hand. When called upon, please stand, state your name and address so our secretary can have accurate information for the record. You may offer comments, ask questions, or read a prepared statement. If you have a prepared statement, please provide a copy to our secretary.

Any comments from Town staff or other boards will then be entertained.

As we proceed thru the evening, if anyone has a specific question for the applicant, I will allow the applicant's representative to respond.

We will then return to Planning Board members for any general comments.

Based on the information gathered and comments received tonight, we will determine our next steps.

The applicant before us this evening is the Marian Community, a private association of the Christian faithful, recognized by the Roman Catholic archdiocese of Boston. They plan to construct a retreat center/lodging facility on their property at 154 Summer Street to be used by guests who attend retreats and programs at their main building – the Spiritual Life Center.

Religious facilities are one of the exempt uses protected by the state zoning law. Generally that means that an exempt use can locate in any zoning district in a community. Medway Building Inspector Bob Speroni has made a determination that the use of the premises by the Marian Community for a retreat center/lodging facility is exempt under the state zoning law.

However, state law does provide that exempt uses may be subject to limited and reasonable local regulation. Section V. P. of the Medway Zoning Bylaw, approved by the June 12, 2006 Medway Town Meeting, provides that exempt uses are subject to certain dimensional requirements as well as site plan review upon referral by the Building Inspector. Again, Mr. Speroni has referred this project to the Planning Board for site plan review.

Because this project constitutes an exempt use, the Planning Board's scope of review is limited. We cannot require strict adherence to the standard site plan review regulations if such would prevent the religious use from functioning or would impose such an unreasonably excessive cost that the use of the premises for the religious purpose is effectively denied.

We are following the steps of the standard site plan review process. It is our goal to have a thoughtful review of this project and to generate as much information as possible.

With that, let us begin.



TOWN OF MEDWAY  
Planning Board  
155 Village Street  
Medway, Massachusetts 02053

*Andy Rodenhiser, Chairman  
Robert K. Tucker, Vice-Chairman  
Cranston (Chan) Rogers, P.E., Clerk  
Karyl Spiller Walsh  
Thomas A. Gay  
John W. Williams, Associate Member*

*March 3, 2008*

**TOWN OF MEDWAY PLANNING BOARD  
PUBLIC HEARING  
Chapter 40A, Section 3 - Exempt Use Review  
Marian Community - Betania II Retreat Facility**

The Medway Planning Board will hold a public hearing on Tuesday, March 25, 2008 at 7:15 p.m. in the Sanford Room of Town Hall, 155 Village St., Medway, MA to conduct a Section 3 Exempt Use Review of the Marian Community's proposal to construct a lodging retreat facility at its Betania II property, 154 Summer Street/Route 126 in Medway, MA.

Located in the AR-I zoning district, the 109 acre property is shown on Medway Assessors Map 8 as Parcel 54. It is bounded on the west by Summer Street/Route 126; on the north by property owned by Summer Street Equities, LLC/W. A. Wilde Company; on the north and east by property owned by James L Carr, Jr.; on the east by property owned by the Town of Medway, Marian Community, and Jonathan & Kristen Lake; and on the south by land owned by the Town of Medway, Paul and Kathleen Yorkis, Sean & Margaret McCarthy, William & Lynne Conroy, Jeffrey Griglack & Leslie Reid, and Mohammad Shahidi.

The proposed lodging retreat facility and certain site improvements are shown on *Site Plan Drawing Set (6 pages) – Retreat Center, Betania II, Marian Community, Medway, MA* dated January 30, 2008 prepared by Coneco Engineers & Scientists of Bridgewater, MA and on *Retreat Center Plans (5 pages)* dated December 10, 2007, last revised January 28, 2008 prepared by **Avis Modular Homes and Guaranteed Buildings Inc. of Douglas, MA.**

The plans show a 3-story, 32,094 sq. ft. lodging retreat center to be comprised of 72 double occupancy lodging rooms, each with its own bathroom; 2 custodian/caretaker lodging spaces; related gathering, conference and classroom space; a limited service kitchen; and ancillary storage, mechanical and supportive space in the basement. The retreat center is to be

508-533-3291

[medwayplanningboard@townofmedway.org](mailto:medwayplanningboard@townofmedway.org)

constructed in a wooded area in the north central portion of the site, approximately 1261 feet east of Summer Street. The plans show approximately 1180 linear feet of roadway connecting the existing Spiritual Life Center to the new lodging retreat facility and the addition of 115 new parking spaces (*85 to be located south of the Spiritual Life Center's existing parking lot; 27 to be located directly adjacent to/north of the Spiritual Life Center building; and 3 handicap spaces to be located adjacent to the new Retreat Center*).

The Planning Board's review of the Marian Community's Betania II Retreat Center will be conducted pursuant to M.G.L., Chapter 40A, Section 3 which defines and provides for the reasonable regulation of exempt uses, and the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Subsection P. Exempt Uses which authorizes the Planning Board to conduct a Section 3 Review in accordance with the provisions of Subsection C. Site Plan Review and Approval. The Marian Community Inc. is a non-profit religious corporation duly organized under Massachusetts law; it operates as a public charity pursuant to state and federal tax law. The Marian Community is recognized as a Private Association of the Christian Faithful by the Roman Catholic Archdiocese of Boston. State and federal laws provide deep and broad protection to land and structures used for religious and educational purposes. The Medway Building Commissioner has determined the Betania II Retreat Center to be an exempt use. The scope of review allowed to the Planning Board is limited to certain reasonable regulations and matters of critical municipal concern.

The Marian Community's application for Site Plan Review for Chapter 40A, Section 3 Exempt Uses and the Betania II Retreat Center plans are on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. Interested persons and parties are invited to review the plans, attend the public hearing, and express their views at the designated time and place. Written comments are and may be sent to the Medway Planning Board, 155 Village Street, Medway, MA 02053. Electronic communication may be directed to: [medwayplanningboard@townofmedway.org](mailto:medwayplanningboard@townofmedway.org).

**Andy Rodenhiser, Chairman**

*Legal Notice to be published in the **Milford Daily News** – Tuesday, 3/11/08 & Monday, 3/17/08.*

cc: *Planning Boards* – Bellingham, Franklin, Holliston, Milford, Millis and Norfolk

*Medway Town Officials/Departments* – Board of Selectmen/Town Administrator, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Community Preservation Committee, Conservation Commission, Design Review Committee, Disability Commission, Fire Department, Police Department, Public Services Department, Town Clerk, Water/Sewer Department, Zoning Board of Appeals.

**NOTE** – On October 23, 2007, the Marian Community withdrew its application to the Medway Planning Board for a special permit to construct an Adult Retirement Community Planned Unit Development (ARCPUD), a residential neighborhood for members of its faith community age 55 and older to be located on its Betania II property.

## **April 1, 2008**

### **Planning Board Meeting**

**PRESENT:** Bob Tucker, Andy Rodenhiser, John Williams, Karyl Spiller-Walsh, Tom Gay, Chan Rogers

**ALSO PRESENT:** Barbara Saint Andre, Petrini & Associates - Town Counsel  
Susy Affleck-Childs, Planning Board Assistant  
Gino Carlucci, PGC Associates – Planning Consultant

The meeting was called to order at 6:33 pm by Chairman Rodenhiser

**CITIZEN COMMENTS** – None

#### ***PUBLIC HEARING CONTINUATION – MARIAN COMMUNITY RETREAT CENTER LODGING FACILITY***

Bill Proia, Riemer and Braunstein  
Jim Tusino, GBI

Andy Rodenhiser – The Board had a presentation last week. We decided to keep the hearing open and to work on the decision and ask for information and input as we were crafting the decision. Bob Tucker and Tom Gay were not at the last meeting but they are here tonight. Because of technical problems with the taping, they were not able to review it a tape of the first meeting, but they have reviewed the meeting notes. So, Bob Tucker and Tom Gay cannot vote, but they can participate in the discussion this evening.

Items to enter into the record:

Email note from Fire Chief - ATTACH  
Letter from Sergeant Jeff Watson - ATTACH  
Letter from Jim Wieler, Upper Charles Conservation Land Trust - ATTACH

Andy Rodenhiser – Any comments or responses?

Bill Proia – We really addressed the open space issue last time. I don't really have anything more to add. This is a new use of the property for us too. We don't know exactly how it is going to play out. We don't know how it will function. I am not going to make any commitments for reservation of open space or public easements. We can revisit this with Upper Charles folks and the Open Space Committee to see how it functions.

Andy Rodenhiser – Is it safe to say we could expect fences would not be erected? Would someone be denied access if they were to walk on the property?

Bob Tucker – They are looking for a willingness to discuss it as we go along. You understand where you are located. We discussed a pathway in the past. Certainly, we would look very favorably on being able to discuss that option and leave the doors open for those discussions.

Bill Proia – This is a completely different context and use and focus and function and purpose for the land. I am not sure how compatible these things are. With the ARCPUD, it was a different situation. I want to be sensitive to my client. We just don't know if that is a possibility.

You do see how much land is being preserved. It is of value to us to preserve it. It fits in with the programs we are having there and the retreat focus.

Karyl Spiller-Walsh – Maybe I missed the whole thing last week. Would you refresh me what did we discuss last week? Not one thing comes to mind.

Bill Proia – It was asked to me directly if the Marian Community was prepared to restrict or designate some open space for a trail system.

John Williams - It seems like in the plan for the ARCPUD, there was a plan for an interconnecting trail. What is your position on preserving the trail link? Are you against it?

Bill Proia – I think I answered that. We are not building it out to connect. We are not building on it. It will be used by the visitors as part of the programs we will be running. That is all we have planned right now.

Susy Affleck-Childs – What are your plans for water and sewage treatment?

Bill Proia – We are working on various options – wells or public water and I don't have any specific plans for that. They are in process and being explored. The same for sewage. We are looking at connecting with an existing system or do something on site. We want to keep all our options open.

Nancy Maxwell, 20 Diane Drive – When the existing retreat center was built, the septic system I know can handle more than what that building uses. I was wondering if that capacity will suffice for the usage generated by the new center.

Bill Proia – No. Additional capacity has to be developed somehow. I don't know the exact amount of addition.

Bob Tucker – I think you are required for the building to have its own stand alone system.

Andy Rodenhiser – The Board of Health would regulate this. Because this is an exempt use, our limit of review is fairly succinct and that is not one of the areas we can look at.

Bill Proia – It depends on what regulations we trigger – DEP and/or Board of Health.

Karyl Spiller-Walsh – In having time over the week, I had a self revelation. I feel that the Planning Board and the Town of Medway have a number of serious concerns. These are usually managed by the site plan process and the rules and regs. In this case, they are not applicable because of the exempt use. The concerns that all of those procedures cover would then become by default the responsibility of the applicant. My gravest concern is the polluting that might happen to Chicken Brook. By default, the applicant has then taken on the responsibility of water retention, detention, infiltration, all of those issues that will cause the runoff waters to not infiltrate the surrounding water. I would like to see some kind of testing mechanism that could happen during the development process to flush out any polluting that might happen as a result of the development process and the maintenance of the site as it is up and running. I think there should be a list of concerns that will follow from us to the Conservation Commission and Board of Health.

Andy Rodenhiser – We can send a letter documenting our concerns to both the Board of Health and ConCom, but for our decision we are limited.

Karyl Spiller-Walsh – I understand, the proof will be in the pudding.

Chan Rogers – We have no control over water and sewer – I think we are wasting time.

Bill Proia – I would like to respond. We are not exempt from environmental statutes or regulations. We have to fully comply with those in our design and operation.

Andy Rodenhiser – Karyl, your comments are driven around stormwater?

Karyl Spiller-Walsh – And drinking water and their septic invading the river ways. Those are my personal concerns. Those concerns need to follow along to the other boards.

Bill Proia – The board should participate in all the other processes. You heard the ConCom chairman say they will pick up the stormwater review.

The Board reviewed the Draft Decision.

Chan Rogers – Good job.

Tom Gay - After reviewing the transcripts of last week's meeting, it seems like everything is covered.

John Williams – I concur.

Karyl Spiller-Walsh – It is pretty simple, you are OK with the document?

### ***Lighting***

Bob Tucker – I would agree with all that but I would like to see some minimal amount of walkway lighting.

Barbara Saint Andre – What would be a reasonable? There are lots of different ways to do it.

Bob Tucker – Downward facing, maybe a 5-15 lumen illumination.

Bill – may I suggest this . . how about if we

Jim Tusino – Low level pedestrian lighting, 5-15 lumens is reasonable, downward directional. I am happy with that.

Andy Rodenhiser – And to whose satisfaction?

Bob Tucker – Come back to us.

Bill Proia – Let officer Watson do it.

Tom Gay – Anything per ADA?



Bob Tucker – Personal safety and aesthetically pleasing are important.

***Parking***

Bob Tucker – For parking, locational suitability is in the eyes of the owner. With the lighting, I find it acceptable.

***Stormwater***

Bill Proia – We feel it is not applicable.

***SECTION VII. – WAIVERS***

Karyl Spiller-Walsh – We shouldn't waive the construction standards.

Andy Rodenhiser - While they are an exempt use,

Barbara – these are part of the site plan review – are you anticipating that they will

Karyl Spiller-Walsh – I see that we are waiving the functioning of the engineering or are we waiving the presentation of the plans/info?

Chan Rogers – We don't have the jurisdiction. We are absolved.

Barbara Saint Andre – Are you expecting that they will come back to you?

Karyl Spiller-Walsh – No, I do expect that the end product will be a clean site, developed correctly, and everybody is going to be happy and Chicken Brook will not be polluted

Andy Rodenhiser – All that will happen at ConCom.

Karyl Spiller-Walsh – We are not involved in the process.

Andy Rodenhiser – We can't waive an authority we don't have.

Susy Affleck-Childs – I think you are waiving the standards.

Barbara Saint Andre – You are only waiving your standards. When they go to ConCom, they have to comply.

Bob Tucker – Should this list (of waivers) be shortened up?

Barbara Saint Andre – I think what Susy is trying to show is the coverage.

Tom Gay – In the introduction to the waivers, I would include a little bit more at the beginning to explain why there are so many waivers because of the exempt use.

Bill Proia – Your bylaw and your Site Plan regs specifically say if anything in here violates section 3 of 40A, maybe it would be easier to say if it is not addressed here it is waived. I have done that before.

Andy Rodenhiser – That seems kind of dangerous.

Barbara Saint Andre – The way it is set up here is fine.

A motion was made by Chan Rogers to approve the waivers. The motion was not seconded.

Karyl Spiller-Walsh – I would suggest we change the name to stormwater design.

A motion was made by Chan Rogers to waive the drainage standards. The motion was not seconded.

### ***Specific Conditions***

Andy Rodenhiser –How do you propose to handle the parking? Will you paint lines on the grass?

Karyl Spiller-Walsh – I don't think we should have any concerns about that. I would have concerns if they start to pave the parking lots and create water runoff.

Karyl Spiller-Walsh - Have a condition that they would have to come back.

Andy Rodenhiser – If ConCom was to tell you that you had to have paved and separators, then you would have a different condition.

Bill Proia – What would your jurisdiction be?

Bob Tucker – Changing from a pervious surface to an impervious surface.

Barbara Saint Andre – If ConCom makes them change something, then they would have to come back to you.

Andy Rodenhiser – His point is that because it occurs with ConCom, it is not for us to worry about. But if it affects the travel to the facility, we would want to look at it. Because parking is not being paved right now, there is nothing to look at.

Barbara Saint Andre – I am not sure you want to discuss in advance possible modifications. If ConCom was to make them do something that is particular to stormwater, then ConCom has the purview, but if they wanted to change something that is in your purview, they would come back.

A motion was made by Tom Gay and seconded by Chan Rogers to close the public hearing. The motion was approved.

\*\*\*\*\*Conroy – 51 Alder Street

Motion by chan to approve, seconded by tom gay – all yes

Susy – comments from Bob

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Review town Meeting articles with IDC

Bill wriight, kelli ployer, dave harrington, rick Kaplan

Andy Rodenhiser – 43D Priority Development Site – add some area in the medway industrial park and the oak grove bottle cap lots – town owned property

John williams – is it possible to get grant money to research those

Andy Rodenhiser – yes. . we are eligible for a grant from mass development once we designate these areas –

John – we have to do this first

Andy Rodenhiser – we may go to BOS Town Meeting to sell some of this and then use that money to buy up other properties

Karyl – which of the lots that

John – of the remaining bottlecap lots, what does the town own?

Andy Rodenhiser – we looked at what was most plausible in the industrial zone . . that is where we drew the line

Bill – how long does 43D last

Andy Rodenhiser – indefinitely . . .

Gino – there is a minimum of 5 years . .

Gino – my understanding is that the state does not like groups of parcels with donut holes . . . however, on the other hand, I understand that some town, maybe Sharon, they worded it in such a way, it let all the parcels be eligible subject to the owners agreeing so theoretically you could get the other owners . . .

Gino – we have to submit the priority development site to the state for the actual desintion - it might not be any problem at all

Bob – do the word engineering to include the other non town parcels –

We have to identify the specific parcels – 9 more to add . . .

Karyl – are there some of these that are willing to sell to the town?

Andy Rodenhiser – Mr. Williams owns

Chan – isn't it possible for the town to take by tax title

Bill wright – what is wet?

Gino – the mass GIS map shows that none of it is wet –

Andy Rodenhiser – stall brook is right along there

Bill- I think it is great

\*\*\*\*\*

Change residential uses in CII to ARII - 22 parcels

This is to clean up

Doesn't effect assessment

\*\*\*\*\*

Create new business/industrial I district –

Dave harrington – I had a thought on this one – you had a maximum height of 40 feet in this zone . . where it is right along route 109, might somebody want to do a 60' digester

Gino – that is the same as the other commercial zones

Bill – drive thru via special permit

Karyl – there have been some discussions with DRC – 40' limitation – do we have any vision for this area – what type of buildings would we want to see – what the architecture and use might be – I thought we came up with conditions that we were putting –it might be too rote and archaic in their limitation – prevents any kind of architectural tower that might be a great office building – I had questions on the setbacks, maybe they are too constricting . .

John – wouldn't they then come to the planning board to make an adjustment?

Karyl –

Andy Rodenhiser – what are you proposing to change?

Karyl – I am delinquent

Rick – are you saying there should be more or less

Karyl – in the case of a special permit, every single place is site sensitive, there're might be some instances where we would want to see a side or rear access –

Kelli – so you are saying loosen it up a little bit

Karyl – more special permits and –

Rick – my putting it in I think you are opening

Bob – if you put it anyh closer to the street, I think you are sking for trouble?

Karyl – what kind of trouble

Bob – traffic

John – why not keep it consistent with our other rules

Karyl – just because it is what we have done doesn't mean we should continue to do it – do a site evaluation in each case . . .

Gino – one way to address that . . you could always – leave setbacks as they are and allow for changes via special permits

Andy Rodenhiser – the purpose of this meeting is to apprise the IDC . . – we are going to have a public hearing – would you be willing to present an alternative – you need to be specific – cite where the changes

Bill wright – are these guidelines based on retail being there – is this geared toward encouraging retail

Andy Rodenhiser – it adds the ability to add retail –

Bill Wright – the major change is adding the retail uses

Under item L – on special permits – what was the thought process on doing those as special permits

Andy Rodenhiser – somewhat controversial uses and zba wants to retain its

Bill – would it make sense to simplify this one?

Andy Rodenhiser – this zone might be good elsewhere – 126 toward Bellingham

Karyl – board, I am sorry that I haven't flushed these issues out . . what would be better for the future of the town – you don't always see it until the project is in front of you – you don't always know – why put things in there - it comes to you when it comes to you

Andy Rodenhiser – it would behoove us, if you have specifics to recommend

-----  
Amend Industrial I zoning – addresses contractor's quarters to put them somewhere – there is no place where they can legally function – and the other is to have sales and storage of building materials

Kelli – this gets contractor's yards out of our yards?

Rick – it should be allowed in that area

Andy Rodenhiser – we can't enforce until there is a place for them to go

-----  
Sign Regulations for industrial zones –

Allow for projecting signs – seems practical

OK

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Create new Commercial I by blending in Commercial II and a small portion of ARII –

Karyl – I want to go to the assisted living facility option as a special permit – some of our concerns about the pros and cons of such a facility – as I brought this up to the PB – if you were going to consider a spot in Medway, a piece of land in Medway, where would it be? Probably not in the location where it is going to be proposed? But given that there is some interest, what can we do to make an assisted living facility a gem and important building and site – being a very key piece of land – being a special permit and assuming the applicant has very good concepts – we had a lot of things we were talking about – consideration of existing topography – we talked about the 50 foot setback – part of this facility might want to come right out to the street – maybe the best access for assisted living would be from the back

Dave – I have a question on a height limit? Why have it

Karyl – I am talking about this site – maybe this is too limiting – let's think more outside the box – towers, staircases or elevator shafts – more than

Rick – anything that is more than 40 feet would be out of character for this area – I don't think it should be higher than

Karyl – we need to think beyond today . . . I am not suggesting we add another 3 floor of beds –

Andy Rodenhiser – what are you proposing

Karyl – remove height limitation and setbacks

John – if a developer came

Andy Rodenhiser – we could say . . . add no height restriction to the assisted living facility . . .

Karyl – I don't even like referring to side yards, front yards, rear yards – it calls it out as being –

Chan – front yard is where you have frontage . .

John – could you leave it open for negotiations

Karyl – if it is in the bylaw,

Andy Rodenhiser – you would make it part of the condition . . .

Bob – I am not in favor of reducing setbacks at this point

Chan - you are proposing some wide sweeping changes . .

Gino – I think chan hit the point – karyl is talking about some very sweeping changes – very favorable – a lot of this is the direction we were heading in with the overlay district that would allow the flexibility –

Karyl – I am requesting that we delete some things –

Andy Rodenhiser – couldn't we do that thru the 40R overlay district

Tom – I am not sure I am willing to sign up for eliminating setbacks

Karyl – we may have an applicant . . . what can it be like? What

Tom – we need to be very careful and stage the way gino has suggested – it can be changed again

Karyl – we may

Andy Rodenhiser – at a midway business council, ann sherry representing midway coop – when we discussed redoing CI and CII in November, she said specifically that the bank may have a tenant to do this – and further there was a meeting here at town hall when they came in to discuss – there is no place in the bylaw where assisted living is allowed

Rick Kaplan – even taking setbacks out of it, there are coverage ratios – they can only develop a certain amount of property

Karyl – on this particular site, this has some very unique characteristics – difficult but interesting – it is terraced and goes up a high – maybe entering from the back – make landscape features an integral part of the site – it might be a good idea to enable the building to go up against the sidewalk

Andy Rodenhiser – thru the special permit process we can catch a lot of that . . . terracing and arch features

Andy Rodenhiser – wh

Karyl – I would like to delete the 40' height restriction

Chan – that would be a fatal mistake,

Bob – there needs to be some kind of vertical limitation

Karyl – do you think 40' is enough

Bill – three or 4 stories with a flat roof . .

Karyl – what do you want to see . .

Rick Kaplan – height is very interesting, setbacks

Bill – I think there needs to be a maximum height

Karyl – I am the first person to say that buildings should be done in character – let's not cut off our nose – a little bit bigger pictures

John – I don't see how we can have it both ways . .

Karyl – we are not looking for a 10 story block

Andy Rodenhiser – is there a way for us to allow

Kelli – no rental or useable space could be over 40'

Gino – think about the change that you made in the industrial III zone – standard height and higher by special permit

Gino – put it in 2f) – maximum 40 feet or up to 60' by special permit from PB

Bob – no useable space above 50 feet

Karyl – when we were working on design elements – some of the most interesting sites are assisted living

John – limit it to architectural accents

Tom – I don't think I would want to be that restrictive

Chan – no

Bob – not sure

Karyl – I want to see it on a case by case

So no . . .

Andy Rodenhiser – is board prepared to abandon setbacks

Karyl – I disagree

Tom – I don't think the town has been ill served by having setbacks

Karyl – I think they are too limiting . .

Andy Rodenhiser – can we put aside time . .

Bob – I want setbacks to stay where they are . .

Karyl – I would do a dog and pony show to try . .

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4/1/08 Notes

Daniels Wood II – Public Hearing Continuation



Paul DeSione  
Fred Sibley  
Dave pellegri

Paul – referring to TTR comments, - we will include leaching area to be 12” minimum above water table – bob speroni

Second thing was another comment from TTR re small detention are – parcel A – 11,979 – it will be owned by fred or whoever buys the lot

Third ting – re subdrain – we couldn’t find it . . that owner should keep it open – rick merrikin detemriend that pipe should be an 8 inch – mr. allen has graded it so the water does go thru there now – he doesn’t feel it is going to be a problem – it is about a 1.7 foot lower – Rick took into consnidration a lot of area to do the drainge calcs . .

Bob – so you are going to replace it with an 8 inch . .

Karyl – what happens to the landscaping we talked about?

Paul –he is not going to cut any trees there

The road/todd’s driveway is 12 feet now and we are looking for a 14’ width with a T turnaround

Bob – where it is 2 lots, if you don’t have a problem with the exsiting drainge - do you think there is additional stormwater issues you want to look at

Dave – I don’t think it will be an issue -

Bob – where is water going when it hits the stone wall?

Paul – I had a hard time finding the pipe when I was out there

Bob – in a 100 year storm, is there

Bob – the 4inch pipe is already there – you are saying you are going to replace it with an 8 inch .  
. I don’t want to create problem

Paul – Rick

John – why ask for a waiver . . .why not just do it

Bob – any additional stormwater management that should be done for this?

Dave – we are looking at the issue whether there is an impact for increasing the pipe

Paul – we can supply info to you

Chan – typically you go to 4-8 inches

Fred – I kind of don’t think it will really matter . .

Chan – have you observed the condition at the end of the 4” pipe – it might be full of debris and not functioning

Paul – I had a hard time finding it there today – he has to keep it cleaned out . . .

Chan – I think our engineer should have gone out and looked at this . .

Todd allen – I put the drain in – I think it is a 6 inch

Paul – no, it is 4 inches

Todd – it is working fine now – it was eroding my lawn – no water going down the driveway now . .

Bob – I just want to make sure, the town’s engineer needs to look at the calcs to make sure is OK and no negative impact – we need his review

John – it protects you guys because board did its due diligence – I don’t see the benefit in waiving

Paul – we have the data and we have it =

Bob – you had already done it . .

Paul – I think rick addressd the TTR questions . . .

Susy – 5.7.24 – re: trees to be retained . . should they be tagged?

Fred – I don’t think there is any special trees

Paul – it is a young woods – 8-10 years . .

Fred – you had mentioned planting – try to maintain character of wooded area –

John – keep intact the prior decision

Tom – I am not happy about waiving the 18’ width of the roadway

Paul – get a review letter from wayne vinotn

Dave – there is a crown in the road . . you could flatten it out or keep it and have the curbing

Andy Rodenhiser – I would suggest that the cape cod berm stay to protect the road . .

Fred – wouldn you need a berm only on one side?

Fe more edits

Keep hearing open for letters from Wayne & jeff

Continue April 8 at 8:30 pm – motion by . . .

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#### Waiver Discussion

John – what is justification for waivers -

Karyl – sometimes waivers make the site better . . . . could it be better? We need to catch up . . .

Tom – I would have to have a discussion about the other guy . . . transformation of a new England town based on an overlay - Onuma . . .”bimstorm”

Karyl – luke is thinking so far beyond where we are now

Motion to adjourn – bob, chan

All yes

10:15 pm

April 8, 2008

PRESENT: Bob Tucker, Chan Rogers, John Williams, Karyl Spiller-Walsh, Andy Rodenhiser

ABSENT WITH NOTICE: Tom Gay

ALSO PRESENT: Gino Carlucci, PGC Associates  
Susy Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:04 p.m.

CITIZEN COMMENTS – None

PRESENTATION –

Lynn Morman – founding member of Tri Valley

3 individuals here from South Shore Habitat for  
Jim Comeau, site selection director – moving to north shore  
Steve Bernstein, site selection  
Shannon , operations person

Background – we started back in July 2007, 10 people from Medfield UCC, approached south shore- we were fortunate to have a couple of members who had been involved in a habitat program in Fitchburg – we are now about 75 people in our data base of people that are interested in participating and also we have our own committee that deals with fundraising and site selection, one per each town – tri valley affiliate consists of medfield, medway and millis – there is a person for each town to do site search – we have come up with a couple of properties, we are working thru those to determine whether they will fit the qualification – we are here to inform the people of medway – we are looking for support – donors of land and those people who might be interested in doing some fund raising - Shannon will discuss the type of houses we built – our local affiliate is focused just on this local area – we are interested in finding people who would like to help out - I would like to hand this over to Shannon –

Shannon – Habitat International and our affiliate and the houses we build – people have many conceptions about habitat – jimmy carter involved – it was actually started by millard and Linda fuller – they started habitat – looked around their home town in Americus, GA – decided to create an organization to build affordable housing – conscience in action – we got started in 1986 – we are part of this international organization - 250,000 homes internationally in 100 countries – our mission as a local affiliate is to build simple, decent homes in partnership with families in need – we started with just a small group of people in Norwell, we decided they would like to continue the mission of Habitat in the south shore area – challenge of finding land or finding houses to be rehabilitated - they started building handicapped ramps as a way of

continuing the mission – 72 ramps – in 1992, that small group of people were able to build their first home in Weymouth – since then we have built 44 homes – we hope to get up to about 10 homes a year – now we are doing 4-5 a year – I am going to hand it over to Jim to tell you about the house

Jim Comeau – we build 1300 sq. ft homes – 3 bedrooms, 1.5 baths; energy star rated and LEED certified for GREEN – goal is to use 50% less energy in a home with this LEED design – energy efficiency, recycling – we build to or above code – we do rehabs and bring it up to today's standards – appliances are supplied to the families – construction usually takes about 9 months to build a house – we work every Saturday – corporate groups come in one day a week – use as a team building exercise – getting to build a house – first we have to get land – we try to get land donated – we are a 501c3 – people can use land donations as a tax write off – houses sell for 130,000 to 150,000 – we only charge the family for the house from the foundation up – no charge for infrastructure, wetlands, etc. we build a 24 by 28 2 story houses – we try to blend into the neighborhood – once we take the sign down, we defer you to identify it as a habitat house – we select a family before we start – they have to put in sweat equity hours as part of the project – we are good stewards of the land – if the lot can really only hold a house, we only do that – we have done some 40B work, the town gave us a lot in Hingham that was undersized – needs to fit in with the neighborhood – we don't want to overbuild a site – now a crowding in developer – what fits with the land, and surroundings –

Karyl – do the homes you build also qualify as “affordable”

Jim – yes, -the folks that get our houses – they have to be making 25 – 50% of the median income – about 29,000 to 47,000 for a family of 4 – they also have to put in 500 sweat equity hours – they have to have an ability to pay us back – this is not a giveaway project – we give a 20 year, no interest loan –

Karyl – what is the tax base – what kind of a tax deduction does the town get?

Jim – we ask that the town assess the property as affordable – they must be affordable in perpetuity – the tax deduction would go to an individual, not to the Town

Karyl – if the town of Medway owned it, -

Jim – the assessors

Andy – the town wouldn't actually get a tax deduction – we would put a taxable piece of property onto the rolls as a higher value than as vacant property

John – explain about your selection process

Jim – we don't keep a waiting list – say we got a piece of land in Medway – it would depend on the town – Braintree gives us a piece of land every 3 years – we want it for a town employee or resident – we are OK with that – if a town gave us 3 pieces of property

– then two could be reserved for Medway and 1 would be open – but all 3 would count toward the SHI –

John – how do they choose residents

Jim – open enrollment, we advertise throughout the towns – we put up posters, tv, and they come to a meeting – we have a family selection committee – people fill out an application- we take the people in the most need and ability to pay us back – they cannot flip the house – you have to come to a meeting to be briefed on whole process

Andy – what can we do to help?

Jim – help us find a piece of land, local meetings – we help

Steve Bernsteian – chairman of site selection committee/civil engineer – just to let you know how south shore – I volunteered to swing a hammer, as soon as they find out I was an engineer I have been involved in site selection – now we are little more selective – somebody who wants to give us land – we evaluate it for local regulations – concom, boh, pb - we do that due diligence work upfront – there is land that people donate for a variety of different reasons – excessive ledge, wetlands, hazardous waste, sometimes we will pass on the land – occasionally we get a great parcel - \$\$

Jim – if there was a piece of land, we would have our engineers go out and look at it, we have wetlands specialists

Andy – are you currently looking

Lynn – one just came up recently – 7 acres on summer street – looks like it is wet but hopefully some dry land in the back

Dennis Crowley – when the property is willed over, if they sell the property, what is the process

Jim – it is in perpetuity – habitat has the right of first refusal – state sets the rate plus inflation and what they put into it –

Dennis – stays

Andy – and we don't lose a unit for SHI

Dennis – have you considered parcels with a house to rehab

Jim – yes - winthrop street property with a house – we could rehab it – and bring everything up to code –

Andy – perhaps BOS or OS to look at open space parcels

Gary Jacob – you are looking in Medway, or are you planning to start a group

Jim – we have a local affiliate called Tri alley to cover medfield, medway, millis – local chapter raises half of the money up front before construction starts

Shannon – Medway is in the service area

Gary –how is land transferred?

Jim – if town owns the land, it has to be approved by town meeting to convey to Habitat

Steve – east bridgewater donated land near the landfill – but we have to go thru an ANR process to create two lots – there are lots of different ways –sometimes we have to create the lots

Gary Jacob – affordability in perpetuity -0 do you have the price built into the deed – the price is locked in

Jim – the state sets the inflation rate – it never goes out of affordability –DHCD sets the rate – this is a hand up, not a hand out

Gary – what kind of recurring to you do

Jim – we take anybody – we start in the town we are working in – we look for materials and labor within the town – we use – we try to get local volunteers from the area first – then we have a data base of folks we bring in – churches are very active and help out – we try to be as local as we can – the local committee would organize the volunteers

Suzanne – have you found in your experience that those folks who buy the homes have been able to generate equity to upgrade

Jim – they get all their money back plus inflation – so they get a good chunk of change to put down on another house –

Citizen – rising the funds – is that community specific –

Jim – we try to raise as much as we can locally – that is why we work with the contractors and unions in the area – we have a partnership with an electrical union who has worked with us on the past 3 houses

Andy – I have a letter from Carolyn Chodat of Classic Properties – andy read it into the record –

Andy – Let us know what we can do to help things along

Lynn – in addition to the site selection people, we have quite an extensive outreach program which has touched almost every church group - \$15,000 from Medfield UCC and we have a person who has agreed to match that – we are excited to do this – just

Andy – Rodenhiser Plumbing and Hehring would help

Karyl – about duplexes – does it have to be single family

Jim – yes, - we don't go any further than that –

Karyl – if you rehab an existing old farmhouse, is it possible to make it into a duplex by adding onto it

Jim – we will look at it . . . side by side

Andy – how about historic renovations

Jim – it can be very expensive – we would talk to historical commission to try to get some CPA money to put toward the project – we have used CPA money in Hanover, Hingham, Duxbury,

Andy – are you working with John Schroeder on Summer Street

Jim – we are looking at that – but it looks like a lot of wetlands to cross – from our first pass, it looks a little iffy –

Andy – John Schroeder is chairman of the OSC – they are doing an inventory

Andy – Bob Tucker serves on CPC from the PB

Bob – it sounds interesting – we could look at

Andy – possible good partnership – for 2B Oak Street

Andy – thank you very much for the presentation – hopefully we can get something started . . .

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Andy – Dennis . . .

Andy – last night at the BOS meeting, they voted their intent to layout these three streets

Motion by Chan, Bob – all yes

Speroni Acres Bond Reduction – do you want



Karyl – I would recommend not doing anything

Bob – let them take some action and do the responsible

Susy – you do have discretion to approve

Andy – concerned -

Karyl – we really need to have our person out there

Chan – or to justify the reduction . .

Susy – as functioning

Bob – the burden of proof in our their shoulders – let them prove that the detention ponds work and are acceptable –the town is foolish if they accept or take on the work for

Andy – the fact that this is an insurance bond . . .

Dennis – are they like a construction bond - why wouldn't we file on the bond – you lose your rights to the bond . . . we should have counsel send them a letter to reserve our position

Blueberry Hill – Requesting bond money back – draft letter – I wanted to share the content with you to make sure – we are not giving back any money – there is nothing in the settlement -

Bob – I think what you have said here is consistent with what we have said before -

Andy – read draft letter –

Karyl – sounds great to me

Andy – OK –

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MARIAN Community Retreat Center lodging facility –

We are finishing up the

Chan – I have a comment – this country was founded on religious freedom – we have minimal

Overall motion by Chan Karyl – all lies . . . on decision . . . .

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Invoices -

Petrini – for 43D

Susy for \$26 – book for DRC -

LHS Associates – contracted services – master plan and software programming - \$4085 –  
Chan – bob – all yes . . .

\$3500 was secured from a fincom transfer -

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PH continautio – Daniels Wood II definitve subdivision plan

Paul – I will go over the items we discus – we added bituminoujs and cape cod – we made the cross section to fit – the other thing was the pipe that came out across the driveway – we added some rip rap at the end of the pipe – pipe stays at 4 inch

Andy – I thought it was to be 8 inch - so it wouldn get clogged

Fred – the two engineers discussed it today – and I talked to him today – Dave Pellegri – said he was OK and would send an email

Fred – I don't care if it is 8 or 12 inches - I don't really think it is an issue – I could almost guarantee that it is not going to be any detriment to anybody

Andy – I am not comfortable taking testimony over the telephone

Andy – if we take the testimony from him over the phone, are you OK with this?

Fred – yes,

Andy – even if there is an appeal

Chan – this is a substitute for a missed communication

Dave Pelligri – via phone

Andy – can you comment onthis

Dave – ispoke with rick merrikin – he said he didn't have time to put together the calculations – I told him I oculd speak positively without - rick said he would keep it at 4 inches – in hisopinion , there is no problems with 4 inches - he felt comfortable leaving it with 4 – if it is too small, it would puddle – I don't see any issue with it – if it wasn't on the plan to beginwith – since they were going to raise it to 8

Karyl – what

Dave – on their plan there was an increase from 4 to 8 inches

Andy – but he didn't do any calculations

Dave – if he was going to change anything, then they would have to provide a reason and documentation – since they are not going to change anything, it is technically part of this project

Andy – tht goes to Fred's point is that this is water from offsite that runs thru his proerty

Dave – if it was where the house was going to be, I would look at it differently

Andy – is there an easement?

Fred – todd is buying the lot

Kayrl – todd put that pipe in – all 80 feet were put in by todd to rectify the problem

Andy – it is existing and it is not even part of the site of this

John – is there any part of the road that is reviewable based on changing the surface – should the review continue for

Andy – the discharge of the pipe

Dave – if they went to concom, they migiht suggest making it impervious

Andy – I don't understand

Dave – the paving might be an issue with concom if it was within the buffer

Andy – the catch basin is catching water from off site

John – didn't the applicant ask for a waiver on stormwater calculations

Dave – they did provide calcs for the rest of the project – that was the scope of our review

Paul – we requested the waiver on day one because we weren't going to pave the road, but now we are

Kayrl – that 4 inch pipe was not part of the original plan –

Paul – todd has regarded

Karyl – it is effecting now the second leg of the subdivision – that change waqs done on site and never reviewed and maybe it is going to effect this leg – it has never been calculated or engineered – I am not comfortable with that

Fred – water slopes away – the topo sends the water into the woods

John – I think your point is a valid

Fred – the water does not effect this project - how can you go backwards - I still maintina this project is so simple, if that neighhbor didn't jump up and complain about the water, there would probably be no need to do any calcs here – no cuts and fills; I went ahead with the calcs - I understand how water goes – I am a landscape architect – we are not talking aobut a big drainage area – everything on the cul de sac above slopes away form the area – the only area of concern is the neighbor and some of Todd's – it is not a big

Dave – Karyl, . . if they put that pipe in, would the PB have jurisdiction for that review? If it is going to outlet near a wetlands, they would have to go to concom

Dave - it is a private drainaige structure that was installed – I don't know that it would trigger a PB review

Karyl – this isn't a driveway, it is a private road - it is going across the road

Andy – no, the drainage structure is in the driveway of todd's allen

Bob – the need for the pipe is created by the original developer of daniels road, not by this private way

Karyl – 4 inch pipe going 80 feet – if it is not clogged today, it will be – the question, if it clogs, is it going to create a problem over the private access

Andy – I think this is a problem for the guy in that home . .

Chan – another principle of drainge – you never use a 4 inch pipe for drainge –

Andy – I think that is why we are

Karyl – before todd put his house in, did he have that prexwsitng condition

Paul – it wasn't in the roadway,

Karyl – the town has some responsniblity for . . authority -

Andy – this is a residential lot on a subdivision –

Kalryl – there is ahiccup after the fact – there isn't a clear

Andy – when todd put in landscaping and put in a wall and it caused some water problems on his neighbor - the carpenter puts in a 4 inch pipe, not

Bob – I aske3d the neibhor repeatedly if it was working – they both agreed that it was – that took awy my concern

Paul – todd regarded as well and

Bob –the surprise I had tonight is that you said you were going to put in an 8 inch pipe

Andy – what is the depth of that pipe

Dave – I don't know

Paul – 2 – 2.5 deep

Andy – does that need to be an H20 type loading – what type of pipe

Paul – it is schedule 40 pipe

Dave – yo0u are probably OK with that – schedule 40PVC

OK on depth

Dave – yes. . . if we designed it we would do it bigger and deeper

Paul – brought in revisions tonight

andy – dave has not had a chance to look at them

paul – I put a detail the berm in the backp I changed the gravel to the right compsiton for base and top – I put the cross section – took off the waiver - I put a rvised date on all theplans of april 4<sup>th</sup> -

andy – dave,

dave – I will swing by on my way in in the morning –

andy – thanks . . .

andy – I am not sure if this is legitimate

paul – I was in the hospital – couldn't do anything different

motion to close public hearing – karyl, chan – and bob – all yes

paul desimone leaves at 9:10 pm

motion to close the ph

susy – I made a mistake – we need to keep the ph open

vote to reopen hearing= chan, bob – all yes

memos from Jeff Watson and Chief Vinton

andy read the memos

fred – the new lot will have a daniels road address

motion to close – bob, chan – karyl 0 all yes

fred objects to the 3 year time limitation – why can't we just grandfather this in

andy – this is not an ANR plan

fred – I am just trying to think about my prospective buyer – it seems like a very difficult process to go thru – I can't imagine the

gino – they would have to ask for an extension in 3 years – he would have to remember to do that -

fred – OK – I will make a note of that

andy –

john – instead of trying to accommodate and enable the substandard submittals –

andy – we are always trying to be firm with this - I want to make sure that the board is comfortable with susy doing . . . incorporate into the decision

susy – these are not part of our regs - . .

susy – I would recommend that you not sign this tonight . . .

to work out logistics . . .

text to be clarified by 4/18 with fred attorney

we will revisit at the 4/29 meeting – 8:30 or 9 pm

decisonhas to be filed by 5/1/08

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andy – conversation with Eric Alexander today - Acton's townmeeting is over – he has agreed to help us out – he has read the bylaw – feels very positive – he will be a strong advocate – he will attend our public hearing and when we meet with the AH committee – that is his business – he thinks the legislation we are proposisng is very forward thinking g- thinks it is amodel for other towns to follow – I wanted you to know that . . .

FINCOM – presented our budget and warrant articles - Thursday and Saturday mronig and they voted on all the articles to recommend approval - not a vote on our budget yet .

. .

CPC meeting – Bob Tucker – status report on 2B oak street, architect has been hired – also chatted about 50 winthrop street . . .

Try to get CPC to support the AH bylaw proposal – May 5<sup>th</sup>

Chan – 2 intersectins at route 109/126 – state has approved redesign so there will be a turning lane for north bound route 126 traffic - also I have a young engineer – to work on highland, main . . . also Paul Yorkis and I have been working to get an earmark for engineereing for route 109 as p

Gino – the priority development grant we had expired in February – I have drafted a letter requesting an extension of the grant for (glenn's signature) plus a status report – I spoke with Miriam bobella, she doesn't believe there will be any problem withi an extension –

Andy – when that letter goes to the BOS – I would suggest gino be there to address questions . . .

Gino –

Karyl – DRC – met with Murphy Insurance last night – looks good; also discussion on form based codes

Susy – handed out email from Tom Gay . . . he is looking for direction

Scope?? –

Agreedto focus in on CI

Karyl – start with a very basic roadway layout

Andy – isee 4 pockets – Trotter Drive; 126/109, S curve at community church and the overlay district

Gino – this group usually works on urban projects, not long strips of highway – at least initially, I think starting on the overlay district –

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Any esire to discuss one lot subdivisions . . .

Motion to adjourn -= karyl, bob – all yes

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10:06 pm



## **Meeting with Developers re: Affordable Housing**

April 15, 2008 - Sanford Hall

7:30 p.m.

Andy Rodenhiser  
Gino Carlucci  
Eric Alexander  
Susy Affleck-Childs

Paul Yorkis, Patriot Real Estate  
Greg Whelan, Broad Acres Management  
(John Claffey could not attend)  
Ralph Costello Costello, Unique Homes

Andy Rodenhiser – We are trying to deal with our affordable housing issues.

Paul Yorkis – And opportunities.

Andy Rodenhiser – The cause of the problems is what precipitates this opportunity. We are trying to make some opportunities out of the issues that come up with affordable housing. We want your feedback. The warrant article/selectmen's calendar was dictated to us. This is something we have been working on.

Andy Rodenhiser – I would like to run thru the State's Smart Growth slide show on Affordable Housing with you. How we can create some incentives to help you include affordable units? In some cases, it is just mandatory. What we are trying to do is take the best of every bylaw we have looked at to craft a good model that would work for the town, the development community, and people who need housing. We are looking at some sort of bonus units. We (as a Town) need to work on this; we need to show the state that we are working on these problems. We need to focus on how housing is an economic development issue. We need to supply workforce housing for people who work in manufacturing, warehouses. They have to move further away from the jobs. We need to preserve our open space. We need housing for a variety of income levels – duplexes, mixed income neighborhoods, the true fabric of community.

Paul Yorkis – I know these slides were prepared by others. When people talk about demographics, there is an increasing need to recognize that it is beneficial to have diversity of ages in communities. My dad is 94 years old and he lives in an assisted living center. He is concerned that he is only interacting with old people. We need multi generational environments.

Ralph Costello – There has been a trend that has gone on with the over 55 communities with restricting an entire subdivision/arcpud. What we have found is that people who are over 55 don't necessarily want to live just with people who are over 55. They want to be around people of various ages. We are doing an area in Medfield. It has been very clear that people don't necessarily want to be just with other old people. Inclusionary zoning should probably say no age restriction.

Eric Alexander – I don't want to get us off track; we are getting some important info here. I have always had a suspicion. Is your decision to build an over 55 community driven by the market or is it the path of least resistance at the local level?

Ralph Costello – I believe that the whole business of over 55 communities developed in towns because of their belief that the cost of education is reduced. What has happened is that there are so many +55 communities and there is a glut on the market now.

Andy Rodenhiser – What I am hearing right here is that perhaps we should have an ability to mix in regular (non age restricted housing) with an ARCPUD.

Paul Yorkis – At Pine Ridge, 5 of the 8 built are sold or occupied; of them, one has 3 adults; one has 2 adults and an adult child; another has 2 adults; another has 2 adults who are retired; another one is a couple just getting married; another is a single parent with 2 kids. People are happy that there is a mix. The age difference is wonderful.

Ralph Costello – Each town that has a project definitely has an interest in the success of the projects. There are some towns where you get a sense as a developer that we are on opposite sides with the town. A project is reluctantly approved. Maybe it will die. That is not good for anybody.

Eric Alexander – The idea of affordable home ownership for over 55 is that it is difficult to qualify people. Anything we can do to help open that up to more people is good.

Andy Rodenhiser – We want to provide for the diversity. Traditional subdivisions need some type of inclusionary zoning so people of lower means can afford houses. We need to provide housing for workers and we are really dealing with the problem you outline. 40B are the guns stuck in the back of the towns. It is an adversarial role for everybody. We want to provide a density bonus to offset the cost of the affordable units.

Ralph Costello – Even beyond the idea of a restriction with age, inherently within zoning there are restrictions . . . gridding out land into one acre lots. We are locked in. That is the restriction that drives what the developer can do and not do, what they will pay, etc. It drives the design, marketing, etc. . . .

Andy Rodenhiser – I am not sure how much you (Ralph) watch what we do here in Medway. Paul Yorkis knows, we are fairly active in terms of trying to be proactive, trying to be on the forefront of some of the initiatives and smart growth tools. We are trying to create different types of opportunities. We are forward thinking if we can. The master plan speaks to creating a diversity of housing types and looking after all of its citizens.

Ralph Costello – What you had mentioned earlier about having designs of housing that could be duplexes. That is certainly one of the things . . . there is always a shortage of creative designs. Many times it starts with restrictive zoning, and you end up with everything looking all alike. If you get away from that whole process and inclusionary zoning really becomes creative, we can mix designs of housing, make them look good.

Andy Rodenhiser – Everything you are saying are things we are thinking about. Each year, we have pages of goals. We do very good. A lot of our stuff has been clean up but the tenor now is fairly aggressive. We want to move us forward. We are taking advantage of the time now that we don't have as many projects before us to try to make the permitting process easier.

Eric Alexander – And faster.

Andy Rodenhiser – We want to use technology so permitting can be done quicker. The development community needs to be looking forward to the consultants who are up to speed on this and the need to quickly turn over a project. We understand what you want. We are trying to help by using technology.

Ralph Costello –There is some software that is out there. Some companies are set up to do it. You give them a perimeter plan and a set of specifications and what to save. They could generate a plan to include inclusionary zoning. What often happens is that the design is done by engineers who look at zoning bylaws and what you can't do. What you are talking about here are different types of houses and different price points that might require somebody to be more creative.

Paul Yorkis – There are no incentives for voluntary inclusionary zoning. If we had a voluntary program which had incentives for affordable housing, I honestly believe that developers would pursue that. If it costs a dollar to build a home and a dollar to build an affordable home and you are losing all of that but if you say to a builder, you can do more houses by including some affordables, it can work.

Eric Alexander – I think you are absolutely right. Medway has not had incentives for voluntarily including affordable units. On the flip side, we have had some success in getting folks to include affordable housing in ARCPUD projects.

Paul Yorkis – This planning board has walked the walk and talked the talk about trying to speed up the process.

Paul Yorkis – I would rather see voluntary with incentives vs. mandatory. I think most of the people would.

Ralph Costello – That would be my preference too. With mandatory, what happens is that there is a cost related to providing the affordable unit. Who pays for it? If it costs \$400,000 to build a house that you have to sell for \$180,000, who will eat that cost?

Andy Rodenhiser – We are trying to provide options for how to accomplish this.

Paul Yorkis – There is another incentive that is not on the screen and not in the proposed bylaw and that is offering low impact development options. Right now, the subdivision rules and regs prohibit it.

Greg Whelan – That is exactly what I want to do on West Street.

Gino Carlucci – Low impact development options should be available no matter what, and not as an incentive.

Ralph Costello – If the cost can be less to develop, that is good.

Andy Rodenhiser – We would like to institute the low impact development stuff across the board.

Gino Carlucci – Low impact development standards lower infrastructure costs in general. .

Paul Yorkis – I would say to you today that the zoning in Medway is not compatible with the local housing market. Duplexes as a matter of right are not allowed anywhere in this town. Multi family is not allowed anywhere by right.

Andy Rodenhiser – We should create areas where a specific type of housing is allowed by right.

Eric Alexander – We allow up to 5 units in the OSRD by special permit. I am not on the PB anymore. I think the minimum lot size in Medway is too big.

Paul Yorkis – The last duplex built in the town of Medway was when Jan Morris was the chairman of the ZBA. It was built at the corner of Route 109 and Winthrop Street. It is really nice. It is compatible with the surrounding community. It is impossible to get any duplexes approved with the present ZBA

Paul Yorkis – You could offer an amendment to the zoning bylaw to strike that portion. If you did that, some of what you are proposing here makes sense; if you don't do that then some of this doesn't make sense.

Susy Affleck-Childs – Maybe we need an AR3 type zone where duplexes are allowed by right.

Gino Carlucci – There are already hundreds of lots in town that are undersize.

Paul Yorkis – I served on the Zoning Bylaw Revision Committee (mid 90's). That crashed and burned. The community was not able to see the value of our proposed changes at that time. Almost every one of those things is in place today because it was done piecemeal.  
Andy Rodenhiser – we will keep working on these things.

Paul Yorkis – I would suggest you change ARII so that duplexes do not need a special permit.

Andy Rodenhiser – This proposed affordable housing bylaw takes all the good stuff from the other towns.

NOTE - Andy Rodenhiser passed out the slide show handout and runs thru the slide show for all present.

NOTE - Andy Rodenhiser highlights key components of the draft proposed affordable housing bylaw.

Paul Yorkis – I have a question in your purposes section about producing high quality affordable units. That is a building code issue.

Paul Yorkis – Why did you decide on 3 units as the size to require affordable units?

Andy Rodenhiser – We seem to be seeing a lot of those. That is a real popular. Everybody wants to build a 600 foot road.

Paul Yorkis – I have a concern .There are people who have lived in the town of Medway for years whose only equity is their land. There will be an impact on them as soon as you say that if they put their land on the market and a developer comes in to do ANR lots, they will have to do affordable units.

Paul Yorkis – I also think you have to bring the design review committee process under some control.

Andy Rodenhiser – We are trying to use the new design guidelines.

d) (1)

Eric Alexander – You mentioned voluntary vs. mandatory. I just think it would be helpful, even if you disagree, to hear about where the town is coming from on mandatory affordability. We are trying to accomplish 2 things – improve consistency and predictability and provide affordable housing. We are trying to satisfy the state which has authority over local incentive payments and grant monies. The current administration is really beefing up how they look at a town's scoring on the Commonwealth Capital application score sheet so in a way we are trying to accommodate developers and the state at the same time.

Andy Rodenhiser – And companies like Cybex who want to be competitive.

Eric Alexander – One of the things on the State's side, is that they are increasingly looking at a town's progress on improving their subsidized housing inventory. That Commonwealth Capital score means a lot in terms of our competitiveness for grant programs. We feel it is imperative to gain some ground on Medway's subsidized housing inventory.

Ralph Costello – A comment on mandatory vs. voluntary. You can have both. Have some more incentives with a voluntary approach. You need to win over the support of local property owners. They want to not lose any money because of these changes.

Eric Alexander – We are trying to make progress toward our 10% affordable housing target. If we increase the bonus some more we aren't moving as much toward the 10%.

NOTE – Gino distributed and reviewed a handout showing two scenarios and how Affordable Housing units could be addressed.

Andy Rodenhiser – We have been thinking about the marketing plans that need to be done for the affordable housing units. We want to provide an almost boilerplate. We are working on another idea, to put somebody on retainer to help with all the qualifying and marketing work.

Eric Alexander – Qualifying buyers and marketing the units. We are looking at ways to take the marketing off your plate.

Andy Rodenhiser – We think there is a mechanism to fund this.

Andy Rodenhiser – We are also looking at some standard stuff on neighborhood/homeowner associations.

Paul Yorkis – Affordable housing with a lower case “a” is as important to me as (official) AFFORDABLE HOUSING.

Eric Alexander – Starter homes on smaller lot size cannot be built new right now. Maybe an option is to have a minimum requirement for affordable housing with some additional incentives for more.

Paul Yorkis – I would represent to you, that communities where there is a diverse housing stock, the value of property in those communities is higher than in those communities where there is not a diverse housing stock

Ralph Costello – There is a vast market for 1200 to 2500 sq. ft area homes, but we have to get the density to make the economics work.

Paul Yorkis – The Subdivision Rules and Regs have as significant an impact on price as the zoning bylaw. The costs of development infrastructure and road costs is significant. If you want to create small “a” affordable housing, I would encourage you to look at reducing some standards such as reducing the standard road width from 26’.

Andy Rodenhiser – We are having our zoning public hearing on April 29<sup>th</sup>. We invite you to come. We will suggest some of these changes.

Paul Yorkis – A suggestion . . . if you have some time prior to the public hearing, I would suggest you put together 2-3 charts and slides which show here is a parcel of land and how it could be divided to include the affordable units. You need to get ahead of the question especially on ANR lots.

Andy Rodenhiser – Is it safe for me to represent that we met with some developers and that you guys supportive of this? With the incentives and bonuses do you find it is palatable formula?

Ralph Costello – My gut says if there was greater incentive, it would be better. It feels like there is additional work just to get even. We need some incentive to help us do more. I see it as additional work to get back to square one. A greater incentive is better and even more creative. I understand you may not be able to get that approved.

Andy Rodenhiser – It may be easier to get something thru now and then come back with suggestions for changes.

Ralph Costello – I am not opposed to it.

Andy Rodenhiser – There will be a lot of ideas that will be generated by this discussion for additional changes that are certainly congruent with a more positive bylaw that will accommodate the varying needs of the developer, the town and certainly the state and people and businesses.

Paul Yorkis – There has been this rumor that projects like the Village at Pine Ridge or Kingson Lane create tremendous influxes of children in the public schools. It is absolutely not true. I see young couples moving to Pine Ridge not yet with kids and empty nesters who are moving here. People saw a chance to downsize to quality.

The meeting concluded around 9:00 p.m.

**Tuesday, April 29, 2008**  
**Medway Planning Board Meeting**  
**Medway Town Hall – 155 Village Street**

PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, Karyl Spiller-Walsh, Chan Rogers,  
John Williams

ALSO PRESENT: Susy Affleck-Childs, Gino Carlucci

The meeting was called to order at 6:35 p.m.

Andy Rodenhiser – We will be opening up a public hearing at 7:15 p.m. on proposed amendments to the zoning bylaw.

**Appoint Beth McDonald to the Design Review Committee**

Andy Rodenhiser – I can vouch for her integrity as well as her resume. She had been a candidate for a position with us. But she took a job elsewhere. She is very involved in lots of green initiatives, lots of certifications.

Karyl Spiller-Walsh – Having sat with her at DRC meetings, she is articulate, pleasant, outside of the box thinker. We are so lucky to have somebody with her expertise and focus.

Motion by Bob Tucker, seconded by Tom Gay to appoint Beth McDonald as an associate member of the Design Review Committee thru June 2009. Approved.

**NOTE**

Chan Rogers arrived at 6:40 p.m.

Gino arrived at 6:40 p.m.

**Request for Site Plan Exemption for 167 Village Street/Dr. Carchidi**

Andy Rodenhiser - Dr Carchidi, the dentist, bought the old ham radio building on the other side of Richardsons (on Village Street). The road next to Town Hall is Whiting Street. Because the back of this building is visible from Whiting Street, that triggers site plan review. He is looking only to remove the bow window and add a vestibule as a customer entrance.

Chan Rogers – I studied this and I move that the requirement for site plan review be waived. The motion was seconded by Tom Gay. Approved.

**Fee Estimates**

**John's Auto Body Site Plan**

Andy Rodenhiser – This is a relatively minor addition to an existing 4 bay building.

Susy Affleck-Childs – We will start the public hearing on May 13<sup>th</sup>.

A motion was made by Bob Tucker, seconded by Chan Rogers to accept the estimate of PGC Associates for \$\_\_\_\_\_ for plan review services. APPROVED.

Bob Tucker – What are they looking to do? A butler type building?

Andy Rodenhiser – They want to add one bay to their building.

### **Commonwealth Capital Application**

Gino Carlucci – There is a requirement of the State to have an updated Commonwealth Capital application in order to apply for grant programs.

Andy Rodenhiser – The updating of that, is that something if we vote tonight to authorize you to do this, can you wait on doing it until after town meeting?

Gino Carlucci – There is no deadline on it with the state.

A motion was made by Bob Tucker, seconded by Chan Rogers to authorize \$\_\_\_\_\_ to pay PGC Associates to update Medway's Commonwealth Capital application. APPROVED.

Andy Rodenhiser – I would encourage you to read the directions about this (that were in your packet). You can see the forward type of thinking that the state wants to see from towns.

Gino Carlucci – By the way, in terms of doing it after town meeting, you can get points for implementing something that you were working on. For example, Medway will get points if town meeting passes the affordable housing bylaw.

### **Report of the Planning Board Assistant**

INSERT

Karyl Spiller-Walsh – The DRC is sick of meeting at the senior center. We need to meet in town hall.

Andy Rodenhiser – There has been some discussion about using the old high school to make meeting space available up there for town boards.

Chan Rogers – As a member of SWAP and visiting the towns in the area, I can tell you that Medway has the least facilities. But I think some of these things will work out soon.

### **Site Plan Extension for Restaurant 45, 45 Milford Street**

Susy Affleck-Childs – The applicant has requested an extension for completion of their site plan work to July 2009.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to extend the completion deadline for work at 45 Milford Street to July 1, 2009. APPROVED.

### **OTHER BUSINESS/UPDATES**

Chan Rogers – impasse has been handled

Verizon poles at intersection – they are finally moving those poles – work cannot be completed until those poles are moved – and state approved the plan for a northbound left turn lane onto route 126



Andy Rodenhiser – any word on other intersection

Chan Rogers - the guy is very busy - I am getting a layout of the intersection done by somebody  
Jack Dillon – he is a sole entrepreneur who does work for Norfolk county – he has already prepared the warrant for the signal – this would be a trial first cut suggestion to show the church people - if we can implement signal changes – to make 109 eastbound turn have priority over southbound onto Franklin street – mass highway . . .

## **INVOICES**

Reimbursement to SAC for books - \$26.40 – Books/Resource Materials – bob, Chan Rogers – all yes

VHB – Speroni Acres and Country View –construction - \$345 – from our revolving fund. - Karyl, Chan Rogers – all yes . . .

TTR – Franklin creek construction observation - \$3163.34 – Karyl, Chan Rogers – all yes.

## **Construction Observation Reports**

Andy Rodenhiser – On Country View Estates, are we talking with Dave D’Amico?

Susy Affleck-Childs – Yes.

Tom Gay – Where is Evergreen Meadow?

Susy Affleck-Childs – It is off of Lovering Street – Iarussi Way

An email went out to us and others re: the possible sale of properties along the railroad right of way . . .

## **BIMSTORM**

Tom Gay – One of the connections I have thru the National Institute of Building Sciences and the Building Smart Alliance is a firm in California. They do a program called a BIMSTORM. This is a design exercise on a world wide forum with a whole different way of approaching things. They take an area that needs to have its use and layout redesigned based on a program or desired outcome. We have been talking about an overlay district up on Main Street. I spoke with the guy that runs this about doing a BIMSTORM for a small New England town. They are now studying the site to see if they would be interested.

NOTE – The board took a brief break at 7:08 p.m.

## **Public Hearing – Proposed Amendments to the Medway Zoning Bylaw**

7:15 p.m. – The public hearing was opened. NOTE – Attach Andy’s opening comments.

Andy Rodenhiser – It is nice to have Gino with us at the table.

A motion was made by Chan Rogers, seconded by Bob Tucker to dispense with reading the public hearing notice. APPROVED.

Andy Rodenhiser - I would like to recognize that our town moderator, Mark Cerel, is in the audience tonight. Let's go with Article 27 first. Bob Speroni is here.

Bob Speroni - Thanks for inviting me. Susy explained that there might be some questions on this article. How we got to where we are tonight? This deals with non-conforming uses. This particular article deals with pre-existing non-conforming lots that were created before zoning and which do not meet current criteria (setbacks, area, frontage, etc.) It was always generally thought if you had a nonconforming lot and structure, it could be rebuilt or expanded if the setbacks were not changed. There was a court ruling that unless the local bylaw had specific language so as to not make it more nonconforming, you could do it as long as you went up and didn't change the footprint. In 2002, we passed a change to the bylaw to allow this for one and 2 family dwellings. This has gone on for 6 years. After the first of this year, the SJC ruled on a court case with Norwell that if the lot was undersized, it would need a special permit to rebuild. This case was prompted by the mansionizing that has been going on in some communities. The issue to decide is if it would be more detrimental to the neighborhood. I was informed of the change by town counsel and I asked her to look at our bylaw. In her opinion, our bylaw was not adequate to continue. The purpose of this amendment is to (add the language) so we will be able to continue on what we have been doing. It is simply adding a reference to nonconforming lot size. This deals strictly with one or two family dwellings.

Tom Gay – Does it mean there will be any less ZBA action? What does it change?

Bob Tucker – Right now after this SJC ruling, if somebody came in (with a pre-existing non conforming lot) and wanted to put on a deck they would have to go to ZBA. If we don't do this, it will make for more special permits. I don't see any issues. I think it is a good move to make the clarification now. It gives you the flexibility to do what you want.

Andy Rodenhiser – Bob, thanks for coming in tonight. Any public comments on Article 27? NONE.

I am going to poll the audience to see what articles you have comments on.

Article 21 - yes  
Article 22 – yes  
Article 23 – yes  
Article 24 – yes  
Article 25 – none  
Article 26 – yes  
Article 28 – none  
Article 29 – none

## **ARTICLE 21**

Andy Rodenhiser – This proposes to change the zoning of 22 parcels in the Commercial II district to ARII. This is a developed neighborhood. The zoning should reflect the usage. It is recommended in the master plan. This is a clean up of the problem.

Chan Rogers – This change preserves the integrity of the neighborhood.

Comments from the public - None

## ARTICLE 22

Andy Rodenhiser – This creates a new Business Industrial Zoning district on the east side of town. It establishes a new district for nine parcels of property and amends the zoning map.

NOTE – Attach Overview Sheet.

Karyl Spiller-Walsh – I would make a recommendation to delete letters d) and e) which refer to the setbacks. I would not recommend any setbacks. I would recommend a site study and have appropriate setbacks determined on a case by case basis. The language now is too mechanical and not site sensitive. It is artificial. The requirement for landscaping next to a residence is inadequate.

Andy Rodenhiser – All the parcels in the proposed new district are now industrial.

John Williams – I don't know about removing the language all together. I can't really think of any reason why you would allow a setback less than what you have now. I think keeping it in there provides a clearer document. I don't see the logic in this (removing the setback requirements).

Karyl Spiller-Walsh – I can imagine that there may be some instances where you would want the building to be closer to the road. I see it as an advantage to the town. There may be situations where we would want more landscaping. I think it is narrowing and limiting as to what those buildings could be. I have given this a lot of thought.

Chan Rogers – I am surprised that after careful deliberation we proposed this article and now, this is the first time I have heard this concern.

Karyl Spiller-Walsh - We have discussed this before.

Tom Gay – I struggle with eliminating setbacks at all. But I wouldn't be averse to having some minimum standards.

Karyl Spiller-Walsh – Once we have these in the bylaw, the special permitting starts after the description in the bylaw.

Tom Gay – I also have an issue that this is where the town line is (with Millis). Do you want to allow for a building to be right in a corner? I don't.

Mark Cerel, 6 Franklin Street – Speaking as the moderator, it is my understanding that the warrant has been finalized. The zoning articles are out in the Finance Committee's report. It is my understanding that these articles are sponsored by the PB. There are an extensive number of zoning articles for town meeting. I will have serious problems if you get into dramatic last minute rewordings. As a result of citizen comments, if you see some things that need to be clarified, that is fine. But if you start to do substantial changes to the language, it raises some issues on notice. I will leave that to town counsel but too many changes will place an article in jeopardy. To ensure a quorum, I am prepared to go directly to the zoning articles first and then go to the budget. That will require continued cooperation with me. I hope we understand each other.

Karyl Spiller-Walsh – That crystallizes a lot.

Andy Rodenhiser – If there is that much of a concern, there is more to gain to pass it in its present form and then make a modification to it in the fall.

Karyl Spiller-Walsh – I understand and I think that is a good recommendation. As we creep slowly into the next articles, I have a lot of concerns with that based on the same issue.

Edward Ball, 7 Industrial Park Road – My question is whether the purpose of the change is for this area to expand for use for retail businesses?

Andy Rodenhiser – Yes.

Edward Ball - Are these the only parcels are going to be affected?

Andy Rodenhiser – Yes.

Edward Ball - Why not the rest of the parcels in the (industrial) park?

Andy Rodenhiser – Retail on Route 109 makes more sense. It was requested by some of the owners. The back lots don't lend themselves to retail.

Edward Ball - How high are the buildings?

Andy Rodenhiser – 40 feet, then same height as presently allowed in the Industrial I district.

Edward Ball - I realize there is a request for these particular nine parcels. If any body at a later date wanted to add, could that be done?

Mark Cerel – You can add to the district at a future time.

Chan Rogers – Originally, the request was for a smaller area and the PB enlarged it

Vincent and Heidi Sia, \_\_\_ Main Street – Our parcels are in Industrial I but are used for residential. Swenson Granite is behind us and Rosenfelds use part of this area. We have some concerns about protection for us with this change. How would this change affect us in terms of our living space? We will live there.

Andy Rodenhiser – The preexisting use that you enjoy now you can continue to utilize. Your taxes would not be changed as you are taxed based on use, not zoning.

Heidi Sia – what they put up a fence or a row of trees or some type of barrier – now that the use of land is going to change or rezone

Gino Carlucci – Swenson would have to come in for a change in use or need a site plan

Andy Rodenhiser – Have you tried to work with the Rosenfelds?

Heidi Sia – He was digging sand right at our property lines. I couldn't open the windows.

Andy Rodenhiser – The single best advantage to you is your resale potential . . . the uses that would be afforded to you in the future. I think the best you could do is to try to work out something with the Rosenfelds directly.

Heidi Sia – Thanks.

Andy Rodenhiser - Any other comments on Article 22? - None

## **ARTICLE 23**

Andy Rodenhiser – This adds two new by right uses to the Industrial I district

NOTE – Attach Overview Sheet.

Andy Rodenhiser - Any questions of the board? Any from the public? None

## **ARTICLE 24**

Andy Rodenhiser – This creates a new Commercial I zone

NOTE – Attach Overview Sheet.

Andy Rodenhiser - We want to provide for connectivity between Main Street and Pond Street and allow for same uses on both sides of Route 109 and make it easier for businesses on parking standards.

Bethany Bartlett from Sherin and Lodgen – I represent the owners of the Medway Shopping Center. We have one concern on the parking and one other question. It seems there is a difference between the draft version we were mailed and the one we received tonight on who handles the parking special permit.

Susy Affleck-Childs – It is as you have it tonight . . . if there is a special permit for use, that same authority handles the special permit for parking.

Bethany Bartlett - Our major issue is with the parking. Basically, if the new off-street parking requirements are enacted as stated, we will be out of compliance immediately. We did come to the last public hearing (fall 2007) and did suggest a change. We are back to reiterate our concerns. The PB seems to be in favor of using useable floor space instead of gross floor area to determine the amount of parking. We would suggest that instead of one parking space per 200 sq. ft. of gross floor area, you go up to one space per 300 square feet of gross floor area or use one space per 250 sq. ft. of gross floor area and remove the specific parking provisions for restaurants based on seating and number of employees.

Gino Carlucci – You mention a parking study. I would like to see it.

NOTE – Bethany distributed a handout with some info from the parking study.

Bethany Bartlett – We did this study several years ago in 2003/2004.

Karyl Spiller-Walsh – Are these numbers based on businesses there now?

Bethany Bartlett – Yes.

Andy Rodenhiser – One space per 200 sq. ft. is pretty standard for retail. In a mixed use environment like that, there may be some shared parking going on. How dramatic a change would that be to go from one space per 200 sq. ft to one space per 300 sq. ft?

Gino Carlucci – That is a dramatic change.

Andy Rodenhiser – The mix of tenants is important.

Bethany Bartlett – We understand that you are looking at an overlay district?

Andy Rodenhiser – There is a ton of area behind the building that isn't used. We would like to see a pad site developed closer to the road and to see the plaza renovated or eventually replaced. That is part of this BIMSTORM idea. We are trying to provide lots of different options and avenues for you to make investment in this property.

Andy Rodenhiser – Mark, is this a dramatic change in terms of approval?

Mark Cerel – There are two issues. One relates to how zoning gets approved and ultimately how the Attorney General's office will view it. How much of a change is made after it goes into print? The second part is the procedural one. It is my having to deal with a whole bunch of changes within each article and trying to keep town meeting moving along. As far as when you get over the line, that is Town Counsel's call. I will not second guess her on that. If you come in with a whole bunch of changes on different articles, that could be difficult.

Bethany Bartlett – It could be as simple as substituting 300 sq. ft for 200 sq. ft.

Chan Rogers - That seems pretty straight forward –

Andy Rodenhiser – I don't want to have this overall bylaw rejected because of a change.

Bethany Bartlett – We have a tenant turn over coming and we are already out of compliance with the parking.

Paul Perrier, Director of Property Management for Medway Realty LLC – Right down the street (at Medway Commons) is one space per 300 sq. ft of gross floor area.

Bethany Bartlett - We would like to see 300 feet useable.

Andy Rodenhiser – Any comments on **ARTICLE 25**? None.

## **ARTICLE 26**

Andy Rodenhiser – overview – there was a meeting that took place on April 15 – with Andy, Susy, Gino, Eric Alexander – Paul Yorkis and Greg Whelan to brief them

You have the notes from that meeting – Andy Rodenhiser - . . . have some notes from a meeting that Susy, Eric and Gino and I had with Greg Whelan, Paul Yorkis and Ralph Costello re: affordable housing

Karyl Spiller-Walsh – I am not too sure on this – there is a huge discomfort level on the feasibility of attaining what we are trying to – I don't know if it is flushed out enough – I see it as maybe a detriment – the economic times, because of the cost of land – I think it will slow development substantially

Paul Yorkis – reside at 7 Independence Lane in Medway – first of all I would like to commend the PB for taking the initiative to try to develop an affordable housing bylaw for our community – I have maintained for a number of years, a position that this community, if it is going to be successful needs to have a variety of housing types and pricing so that any person who would like to live in that community can do so and we are not in a position of not enabling a person who grew up here to afford to live here – I am somewhat concerned with the moderator's comments about changes . . . Because I think there are some significant questions that I would like to raise as well suggestions – it is important that the town move forward on a bylaw of this type

- I. D – suggest the term “high quality” be removed – that is a building code issue, not a zoning bylaw

IC – change accommodations to types and also to recognize that all types of residents need

Paul – in making changes – I understand your concern – how does it work if there are substantive changes –

Mark – there are 2 issues – substantive and procedural – if it is changing too much the AG is the ultimate decision – and then procedurally how will it be handled at town meeting – and we have to work our way thru that – the more time consuming and complicated it becomes in the context of a meeting that is there with other business . .

Under maximum affordable purchase price – change text to does not exceed –

Just questioning the number of 3 lots – why that number?? I don't know what is magical About three –

I would also raise the concern about whatever that number is going to be – some situations with ANR lots may not be able to be made into more lots

On page 4 – item 9 – cash payments to be provided . . . how is this value determined? – Who is going to determine, how and what is the process – trying to raise some sensitivity to a process so that whatever you decide it is a clear and transparent process –

Karyl Spiller-Walsh – there were some of the fuzzy things I had some difficulty with – who will do that

Andy Rodenhiser – the PB because it is a special permit – we would ask you to provide some information to address

Paul– in establishing value, there is a variety of different ways to do that – which is the value being established for and what is the basis for that value – I think you need to define that up front

Tom Gay – isn't there a formula

Gino – some easy language changes. . . we could make an easy fix . . .

Mark Cerel – the process in terms of the public hearing tonight – in the context of – the purpose is to vet proposed zoning changes so the PB can adopt a position on the bylaw and make that recommendation to the town meeting – this really isn't the forum for refining things and having a give and take discussion – one would have thought you would be dealing with a fairly final version at this juncture – not a rewrite of any significance

Karyl Spiller-Walsh – this is the time when the words come out of the woodwork – I think

Andy Rodenhiser – we need to decide whether to move forward or withdraw and make corrections – not all legislation is always perfect – just like anything, the time that is allotted for these things – no one really starts to participate until we get close – this is something that people who are following it are passionate – there are a fair amount of people that don't participate until the 12<sup>th</sup> hours.

Mark – the other point to be raised, there has been very little court guidance on the legality of this as a whole – you need to be fairly assured that this is

Andy Rodenhiser – she has reviewed this article and we have adopted some of her suggestions –

Mark – under DHCD – affordable housing is based on 80% of median income for a family of 4 – that number of standardized –

Andy Rodenhiser – the issue is how to value land or payment in lieu –

Mark – it is fairly standard process – it is not like you are creating the wheel here

Under item 9 b – off site – at the current time, the town's zoning bylaw requires a special permit from the ZBA for duplexes – it is not a matter of right – if an applicant were to propose to the PB that they were going to build two affordable units offsite – they could not build them offsite without going to the ZBA – that is a substantial obstacles

Item 9 b 4 – suggest removing in no case . . .

9 c) donation of land – this is not in the PB's sole discretion . . .

Chan Rogers – use of the word “sole” is redundant – the PB

Susy – the town is not an entity to whom

Paul – I am concerned about a process that requires another entity to take action –

Andy Rodenhiser – that is why there are multiple options

Paul – the earlier comment that I made – there are some hurdles –

Page 5 – item d 1 and 2 – I am concerned – real estate market - the focus of this is on median sale price of new market rate single family homes – I would suggest that it not necessarily be new – just



Item #16 – it relates to the severability clause – I was suggesting that language be added to include the AG if they struck a provision –

Mark – I suggest you discuss this with the town attorney – I am not sure I would put that kind of language in it

Andy Rodenhiser – thanks Paul

Andy Rodenhiser – anything from the public – any comments

Susy – to email

Tom Gay – some of these changes

Karyl Spiller-Walsh – the proof is always in the pudding – until we

**Article 25 - OSRD** – summary of changes. .

Any questions –

Any public comments? - None

**Article 28 - summary of changes**

Any comments from the public – none

**Article 29 - summary of changes**

Any comments from the public?

Mark Cerel – are you talking about a sign projecting into the right of way?

Andy Rodenhiser – no

Mark – I would ask that you have a brief report prepared – suggest one recommendation letter on the public hearing and get it into the record

Suspend the public hearing – until about 9:20 pm and then we will return

**Daniels Wood Certificate of Action**

The board voted and signed certificate – check document in meeting file for details on votes.

**Return to Public Hearing on zoning articles**

**ARTICLE 24**

Chan Rogers – Your question on the parking is that you would prefer what?

Bethany Bartlett – You are proposing one space per 200 sq. ft of useable floor area. That makes us out of compliance. If you moved it to 300 sq. ft. of useable footage would work for us.

Karyl Spiller-Walsh – How many parking spaces are you presently off from compliance?

Bethany Bartlett – Around 300 short, if not a little more.

Karyl Spiller-Walsh – Is the question about ratios or the number of businesses competing for parking space?

Andy Rodenhiser – I have heard you say that there are businesses with off-setting demands.

Bob Tucker – I would be receptive to hear comments on offsetting demands for parking.

Andy Rodenhiser – Does your parking data include the rear parking spaces?

Bethany Bartlett - We have a map of the parking on site.

NOTE – Bethany provided the PB with a map.

Bethany Bartlett – With the new general parking regulations that you approved (November 2007) we could get about 35 more spaces in by specifying some as compact car spaces.

Tom Gay – Even if we make the change, they would still be under.

Karyl Spiller-Walsh – Philosophically, shouldn't we be looking at a newer concept/plan to redevelop this site . . . in the bigger picture of planning?

Andy Rodenhiser – These provisions are for a much bigger area than just this site (Medway Shopping Center)

Karyl Spiller-Walsh – But the bylaw affects the site.

Bethany Bartlett – Some prospective tenants don't want to go thru a special permit process for parking relief. Our problem has historically come in with food establishments. We would like something similar to what is allowed at Medway Commons. About 45,000 sq. ft of space is closed at night time after 7 pm. That helps with the restaurant uses.

John Williams – Do you have long term leases?

Paul Perrier – We have all kinds of lease terms.

Andy Rodenhiser – The market will impact the parking.

Chan Rogers – I have never seen that lot anywhere full.

Bethany Bartlett – People from Drybridge park in our lot. I have never seen less than 200 spaces available

Chan Rogers – I think we should adopt something that recognizes that our requirements are overlay strict.

Tom Gay – I believe changing to one space per 300 useable is reasonable.

Gino Carlucci – If I remember correctly, there are some properties across the street that do not comply now. This may make them ??????????

NOTE - Everybody agreed to switch to 300 useable.

Karyl Spiller-Walsh – Article 24 I have concerns about on many levels. There are many facets to it. All the facets are not necessarily clearly related to each other. I have a concern. I am not proposing that we eliminate the article. I do foresee a lot of difficulties that will be dumped on this board such as the inclusion of the assisted living residence facility under 1. k). This use is not allowed anywhere in town right now. I think this could be a beneficial use but in terms of time we have no time to rewrite these bylaws and make them more acceptable and in accordance with the smart growth techniques. We are reworking the existing bylaw and applying it to the new Commercial I zone. I have a concern that when you have a setback requirement off the street from a given road, I feel it is limiting. The location of this site is difficult and challenging, right across the street from Dunkin Donuts. That is a disaster area in my opinion, if you are having vans that carry people needing assistance. If the bylaw says 50 feet, I think the application will come in with a setback of 50 feet. In some of our earlier designs we had alternative access routes for this site from the back. If these setbacks are instituted at this time, it will be very restrictive.

Andy Rodenhiser – Does anybody else have a concern about what Karyl has brought up?

Chan Rogers – I don't have any feelings about this.

Tom Gay – Every piece of property has setback requirements. Those are put there for a number of different reasons. One is to provide the internal travel lane. If there isn't any setback requirement, an application will come in with no setback. That opens the door for what we don't want. I understand your point but I can't support it.

Karyl Spiller-Walsh – This site is so unique. It is very special. It has characteristics including a wooded area and a stream going thru it.

Susy Affleck-Childs – Knowing how Karyl felt about this, I spoke with Town Counsel this morning. I have some suggestions for additional language to allow the special permit granting authority to vary setbacks in the instances of special permit uses. Handout.

Tom Gay – I would be ok with some criteria to do this.

Bob Tucker – This list not complete enough for criteria. There should be more.

Andy Rodenhiser – Karyl, if you feel strongly, perhaps you could come up with some language on this.

Karyl Spiller-Walsh – I would have to design the site. This is the same issue that we started to discuss with Medway Shopping Center. Conceptually as planners, we have been talking about bringing the (building) footprints closer to Route 109 and have parking behind or on the sides. What we are doing now is a 50's approach to site design. The bylaw is perpetuating archaic standards.

Chan Rogers – You ought to go to Walpole and look at some of the assisted living places – it doesn't mean every person that visits needs assistance.

Tom Gay – We can't have the bylaw written to cover one use that is allowed under special permit. Remember the 80/20 rule. Let's try to build some flexibility into the special permits.

Bethany Bartlett – Would an assisted living facility be subject to site plan review? Wouldn't that be addressed there?

Karyl Spiller-Walsh – Yes, but usually what we get is very rote.

Andy Rodenhiser – Any other issues?

John Williams – A general comment. I am not sure that changing the setbacks would accomplish what you would want to do.

Karyl Spiller-Walsh – Because of habit, setbacks were established before there was such an option for special permits. What I am proposing is completely consistent with smart growth.

John Williams – I think it is dangerous to do it (eliminate setbacks) with a general stroke to apply to all parcels.

Andy Rodenhiser – Karyl, I would really suggest that you take the effort to do this.

Karyl Spiller-Walsh – I think my only recommendation would be to delete it completely.

Chan Rogers – To take the setbacks out would be a disaster.

Tom Gay – I can't vote for that.

Chan Rogers - Andy, you stop us from talking and you don't stop her (Karyl). You cut me off.

Karyl Spiller-Walsh – I have had to wait an hour – quite frankly, I am sick of your comments.

Chan Rogers – I have equal time. I am not supportive of an amendment to get into the special permit stuff

Tom Gay – If it is worded in such a way, I could consider it.

Bob Tucker – What we are all looking at is to have this written is to allow the special permit to allow for a variance in setback. You don't want to tie the hands of this board to only be able to look at one criterion.

Andy Rodenhiser – Karyl, you need to take some responsibility to come up with some possible criteria. You have to come up with some text.

Susy Affleck-Childs – Town counsel will not support this change without any criteria for allowing variances.

Andy Rodenhiser – Any other comments on Article #24? None.

A motion was made by Bob Tucker, seconded by Tom Gay to continue the public hearing on proposed amendments to the Medway Zoning Bylaw to Tuesday, May 6<sup>th</sup> at 7 pm.  
APPROVED.

A motion was made by Tom Gay, seconded by Chan Rogers, to adjourn the meeting.  
APPROVED.

The meeting was adjourned at 10:08 pm.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

May 6, 2008  
Special PB meeting

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

ALSO PRESENT: Susy Affleck-Childs, Gino Carlucci

The meeting was called to order at 7:04 p.m.

**CITIZEN COMMENTS** – None

**PUBLIC HEARING CONTINUATION – PROPOSED AMENDMENTS TO  
MEDWAY ZONING BYLAW**

Andy – continuation from last week

Bob – are we going to go over each one?

**Article 21 –**

Susy - No comments at the public hearing

Andy – any further discussion that anyone would like to bring up on this?

Bob – motion to recommend approval of this article to town meeting – seconded by karyl  
– all yes - (tom not here)

**Article 22**

Bob – This is where we had some suggested possible edits

5/5/08 - Handout on possible edits to Article 22

Discussion . . .

Bob – I am not convinced yet – I firmly believe we need setbacks – are the ones we have written in the article the best, I can't answer . . .

Karyl – the intent isn't to eradicate setbacks – but to adjust and make flexible setbacks on a particular site where in some mitigation we might want to take and allow for more.  
What we would like to see in some sites where there are interesting open spaces a much larger setback and also to allow for a building to be much closer to the main traveled road

Bob – I am not convinced that approaching it this way, it is putting a bandaid on setbacks – I am not convinced the setbacks are wrong – could they be customized, probably? But we have spent some time on an overlay district for this area proposed – I think maybe we

would be better off to address setbacks within the overlay approach, rather than just trying to do it here

Karyl – gino's map would eradicate all setbacks

Bob – that would be a better way to address

Karyl – get thru this town meeting with something in hand until the fall

Andy – there is a special town meeting in June

Chan – I am not interested in making substantial changes at this late date – I see no harm in approving what we had intended and then looking at something more later – I think this is too much of a change . . I don't think we should present anything too complicated at town meeting – it will lose the audience so to speak – I don't think anything will happen between now and when the next town meeting is

Gino – I think that it is probably true that not much will happen between now and June – I think deferring it to next year . . . I think there is a good chance of something happening before then – as drafted for Article 24, the most likely application would be the one site next to Medway Coop that might get the variation and the rest could be addressed with the overlay

Tom arrives at 7:22 pm

Susy – I think this may be approaching too much in terms of a change . . .

Gino – it probably is not too bad of an idea . . this may be too much of a change on the floor – it might not be bad to defer it to the June town meeting – I think at least as it applies to Article 24, I wouldn't push it to a year from now.

Karyl – that is my concern

Bob – the original reason we brought up this article in the first place was not setbacks – it was tied to uses with the original reason and purpose of the article

Karyl – article 24 is multilayered – with the allowance for assisted living

Andy – I am not willing to make the amendments

Gino – as these amendments are written they would only apply to special permit uses . . maybe you want to think about having some flexibility on all the uses, and not just the special permit uses

Tom – I made some notes on my copy – shouldn't this be the goal of the whole district and not just the limited uses . . I think it is a mistake to set out a whole bunch of rules for

just one occupancy – I think it is a 2 step process – I am agreeing with gino and bob – the 2 articles kind of clean up a mess

Andy – then we can further adjust

Bob – and with some thought and not a knee jerk reaction

Tom – the problem I have about eliminating setbacks without knowing more, what if route 109 corridor changes but also Dave D'Amico has a study going on to look at all of route 109

Tom – black swamp garage (2-4 Main Street) - . . . I don't want to get too close to eh street

Andy – chan had stated it was too substantial of a change to make at this late hour

Andy – what I think I am hearing is that you guys think we may be overengineering the article by making the further amendments

Karyl – I foresee that we will be shortchanged if something comes in for the probably site next to the bank – that site has different characteristics and uniqueness - Article 24 – I think it will be difficult if we don't have some flexibility – I would recommend either doing these further amendments, or take out the assisted living from the layer of article 24 . . .

Andy – on article 22 – what do we want to do – is there a motion to modify or amend?

Karyl – I would move to amend article 22 with the proposed text dated may 5 – there is no second, the motion dies.

Andy – I would like to retain the text and take this up at our next meeting and take it up for special town meeting . . .

Can we do this for a june 16<sup>th</sup> town meeting?

Susy – I think that might be tight?

Bob – let's wait . .

Andy – in fairness to the question that was posed I believe we thought we could work on this for a june town meeting – does anyone want to reconsider this ? none

Motion to accept article 22 as it stands, tom, chan – all yes . . . none opposed . . .

Bob – I have



Karyl – I am sorry about the time restraints – I can't imagine getting jammed with this puppy when it comes in and not being able to do it right.

Chan – karyl alluded to a suggestion to eliminate assisted living in article 24

Andy – we will discuss when we get to article 24

### **ARTICLE 23**

Motion to recommend approval – bob, karyl –

No discussion

All yes

### **ARTICLE 24 – New Commercial I**

Email note from Dan Hooper dated 4/29 – attach to the minutes

Andy – how can we get people to give us ideas before

Andy – relative to article 24, I think we have 2 distinct issues – setbacks with karyl having one perspective and the rest of the board not so

Karyl – I am not saying no setbacks

Andy – the other issue is the assisted living

Susy – and a decision on the parking standards

Andy – any comments on the assisted living

Chan – it should remain in the article as we originally wrote it in anticipation of potential use

Andy – any other comments in support of chan

Tom – I don't see any reason to exclude it now – we are looking with the overlay to allow all kinds of living facilities – I don't see it as contradictory

Karyl – again, I think if it is handled well for that site with a lot of special permitting and site plan review it could be successful – something we could want – could I see an assisted living facility somewhere else in town, you bet!! How appropriate is it in that spot? In that district?

Andy – is it compatible with gino's concept of different types of housing

Karyl – not really – I see smaller housing over retail as the focus of the overlay district

Bob – I would comment that article 24 was cleaning up a number of issues with old commercial II references and taking care of some housekeeping and from that standpoint it should go forward

Andy – I like the analogy that tom gave, that it is a cleanup of something in the past and being the basis for what could be given some thoughtful participation on a new way to handle setbacks in the district . . . with an overlay district, it would only allow us to address setbacks if they came in with a proposal under the overlay . . maybe we should make it easier for setbacks with the underlying zoning . . .

Andy – does anyone want to put forth

Karyl – I move adding this change to Article 24 – from 5-5- draft - -

Tom – I am not comfortable taking the setbacks out – I am comfortable with a range of setbacks with percentages . . . we are in the same position as article 22 – there have been some other good ideas put forth for other changes -

motion fails for lack of a second

andy – let's look for a fall town meeting

parking stuff . . . 2. g) (2) – change to 300

bob move to accept article 24 with the adjustment on parking one space for 300 gross sq. ft so that we are consistent with CVI – and – seconded by tom gay

do nothing to text on useable definition

motion approved – 4 yes, Karyl abstain

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Article 25 –

No comments

Bob – motion to approve as written – chan –

Discussion – none

All yes –

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ARTICLE 26 –

Andy – are there any

Gino – I drafted a rewrite that maybe makes it clearer – Handout from Gino – what I was suggesting here – to add a definition of Equivalent Affordable Housing Unit Value and then to measure –

Another change I would suggest here in the formula to determine the purchase price – I would suggest capping it at 4 . . . depends on size of houses in the development . . .

The reason I thought about this definition – then that kind of puts the money into units –

Bob – if we thought the earlier suggestion was too complex . . this is too much to try to explain – I guess at this point I am wondering . . . maybe we should tweak – I am a little more disappointed that we didn't get more input from local builders –

Andy – we did have Paul and he does represent a number of them

Bob – there is a lot of good suggestions here – we could probably word engineer – I wonder if we want to go forward with this at this time?

Chan – I am lukewarm about the whole thing to begin with

Tom- if there is not a comfort level with what we have got, I am fine with letting it go

Karyl – I totally agree with him – far from comfort level on the proposed changes – the values and the appraisal elements is so subjective I can't see how that

Chan – where is Paul Yorkis on this?

Andy – this proposed change is a result of Paul's comments

Tom – I don't think this is so far off that we couldn't get it ready for the fall –

Karyl – I recommend pulling at this time . . .

Motion to pull at this time – Bob, Karyl – all yes . . .

Incorporate Gino's comments into a revised draft

Bob – I cannot urge builders enough to take a look

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## **ARTICLE 27 –**

Motion by karyl , tom – all yes

## **Article 28**

Motion by bob tucker, seconded by karyl –

Discussion

all yes

## **Article 29**

**Bob =- motion to recomemdn approval – karyl –**

**No discussion**

**All yes**

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## **ARTICLE 18**

Andy – Susy and ZI met with the assessors last night – the Williams are the predomenta property owner – one of the things we got back from the state was a sense about the 43D designation – they frowned on donut holes in the configuration - we thought it was better – we went thru all the parcels and ownership – we recommend we pull a portion of the article 18 on the bottle cap lots – we want to make sure we have the permission of all the owners – there are 1018 parcels up there that over the years have been tied to property cards – batches would get bought and sold – the property cards need to reflect – it is very difficult to trace ownership of some of the parcesl – 30 are completely unknown – it is not as clear as we thought it was – we are going to need to spend some time – some of the assessors who are done have agreed to work with us thru the summer to create a special map that ties property cards back to the 1925 plan – a definitive document we can hand off to an appraiser, etc.

Karyl – what would the problem be with going ahead

Andy – the credibility of this board should remain high – concerned that it won't be approved by the state – part of the reason to do this is to get a grant – I think we can do a little more legwork on our end to eliminate some of the risk –

Recommend to – bob,karyhl – approve but eliminate item a)

## **ARTICLE**

Finalize street acceptance Monday night

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Andy - perhaps we should communicate with the owners on these streets as to why we are not recommending certain streets -

Karyl – is this really a town of medway problem?

Bob – I wouldn't want to accept

Andy – get an explanation for the problems with concom . . . on ishamel coffee estates

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Close the public hearing – motion by bob, chan- all yes . . .

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Discussion on handouts –

Easel with the 3 maps

Handouts on the 3 maps -

### **OTHER BUSINESS**

Chan – asked about June 10<sup>th</sup> – I won't be here . .

Motion to adjourn – karyl, chan – all yes

8:40 p.m.

## **Tuesday, May 13, 2008**

### **Planning Board Meeting**

**PRESENT:** Andy Rodenhiser, Bob Tucker, Chan Rogers, Karyl Spiller-Walsh, Tom Gay, John Williams

**ALSO PRESENT:** Susy Affleck-Childs, Planning Board Assistant  
Gino Carlucci, PGC Associates (7:20 pm)

Andy Rodenhiser called the meeting to order at 7:03 p.m.

#### **CITIZEN COMMENTS -**

Jan Fish – just to say hello – rep from the FINCOM

#### **OTHER BUSINESS**

Invoices

VHB – \$1,014.55 construction observation – evergreen meadows, ice, country view and broad acres - motion by chan, karyl – all yes

PGC Associates – plan review services for Marian Community Retreat center and Daniels Wood II - 1068.75 – chan, bob – all yes

PGC Associates - \$525 – consulting services and contracted services – master plan, zoning articles, affordable housing, PB meeting – motion by bob, chan – all yes

Daniels Wood – CO estimate – karyl, chan – all yes - \$3,597.30

Chan – elected as distinguished member to ASCE – honor to about 1 in 7,000 members – vast majority are academics – with PhDs, - my was straight civil engineering –

Andy – congratulations

Motions to approve PR fees for Murphy Insurance agency – we will start PH on 5/27 – Bob, karyl - - fee estimates from VHB and TTR

Sign Country View Estates Plans – for Lot 34 – reendorse plans – mylar versions that are needed for the Registry – andy, karyl, bob,

## **PUBLIC HEARING – John’s Auto Body Site Plan Modification**

7:17 pm

Andy’s comments -

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to dispense with the reading of the public hearing notice. APPROVED>

Rick Merrikin Merrikin, Merrikin Engineering, Millis, MA as applicant’s official representative

John and Caroline Solari, applicants

Rick Merrikin – This is an application for an addition to an existing building at 27 Jayar Road for John’s Auto body. The existing structure is about 5,000 sq. ft. It is a metal building with garage doors with a paved area around the building. The rear is natural vegetation. There are wetlands back there. Mr. Solari has received permission from the CONCOM for what he is proposing. We propose to put in a single bay addition on the left side of the property, a metal building of similar character. Grey. It will look exactly like the existing structure. I venture to say you won’t notice it. The size is 22’ by 50’. It is going in an area that is already paved where he presently stores vehicles.

The business uses include metal fabrication, auto body repair, auto repair and truck repair. He has an active towing business. The vehicles waiting to be repaired are presently stored where the bay will be, so we are putting a roof over the space where vehicles are presently stored.

The property has been there for quite a number of years. There is a paved area in front. There are no lined spaces on the property itself. Typically, cars are parked in front where the bays are. The building inspector has determined this is a minor modification to an existing site plan.

We will line the parking area.

Since the area being roofed is already paved, we are asking to not have to do any drainage analysis or installation. There will be no additional drainage needed.

We have proposed to do some landscaping at the entrances to the site. We can spruce up the area some more. We have shown snow storage here and there is vehicle storage on west side of the building.

We have decided to approach it as a minor modification and not redo the entire site plan.

Gino Carlucci’s review comments dated 5-9-08

– direct roof runoff of the building to a drywell

- unclear how many parking spaces are needed. Ask Bob Speroni.
- more landscaping suggested to match on both sides

Rick Merrikin – slow growing

6. waivers list – including lights

Bob – direct downward and minimal illumination at the property line –

Andy – it looks like it is washing the door area

Bob – safety – also consider business neighbors in the area . . gym next door?? - I don't have an issue at all with the lighting

Karyl – the scruffy gravel area in the front – and the crummy curbing – what else could it be – do they drive over it?

Rick Merrikin – today it is grassy

Andy – generally people pull up right in front of the bays

Rick Merrikin – very large

Andy – the adjacent lot is just a big gravel

Rick Merrikin – we could make it a legitimate plant strip – we would be willing to do that . . .

Chad - some of the equipment that seems to be stored and not used –

Rick Merrikin – repair type – I think some of them are is used on an occasional basis - they tow for midway and millis police –

Use variance 1993 -

Get a copy of this . . .

Any comments or questions from the public?? NONE

Any thoughts on waivers – any problems

Ok- bob, karyl, andy,

Bob – existing business,



Motion to continue to may 27 at 8:30 pm

Nice presentation –

Andy – thanks for investing in medway . . .

### **Discussion on Affordable Housing bylaw – revisions**

**Gino** – Susy and I met - generally same themes as we discussed with Paul - - if you remember the confusing sheet that I distributed to you last week – we have integrated it into so I hope it is less confusing –

Added a definition of equivalent affordable housing unit – how to determine the difference between a market rate unit and an affordable unit – Paul suggested using 36 months prior to the application coming in vs. fiscal year or calendar year – suggested it be only for arms length transactions –

Karyl – I am transposing into what he is saying – in my mind I am coming up with different ages – where in the town

Gino – the whole town -

Karyl – such a variation throughout town – big discrepancy

Andy – the idea is to look at the transactions occurring all over medway – by having an average you wont have things pinned too high – we want to create a diversity of housing types

Gino – also, the other major change relates to this – this calculation would be used to figure out the payment in lieu – we have built in the incentive – by having the density bonus only count if you build the units and not apply to the payment in lieu of

John – didn't we strike from the wording the difference between – what is the difference in the new calculation given the new wording?

Gino – the affordable price varies - it is the difference between the affordable price and the median sales price over the past 36 months –

Karyl – I like to play it out in several ways . . .

Andy – they participated – as state continues to thumb at towns re: 40B –

Chan – I am in sympathy

John -0 what I am struggling with – to get an actual cash payment the town would get in lieu of – is there a calculation we could do –

Gino – while it does vary – the cost of an affordable house – somebody who has 80% of the median income – it comes out to \$66,000 for a family of four – and then they have to be able to afford the house by paying no more than 30% of their income for housing and that limits the price – and it depends on the interest rate –

Andy – the AH Committee has a list of people who need affordable units –

Gino – to simplify it a bit – let's say you take - \$175,000 for an affordable unit – let's say median price is \$330,000 – the developer would have to put in \$155,000 payment to the AHTF –

Karyl – for a person who is doing a 3 lot subdivision there is a big burden - you end up changing the look of neighborhoods – it has a certain simplicity to it

John – if you had a 3 lot parcel in a half acre zone area, would we be asking for smaller lots – how do we determine what is an acceptable way to build that 4 lot – and what rules are we using – are we allowed to vary things so dramatically – it doesn't seem like this is holding the planning board to – wouldn't we want to maintain a certain minimum standards – I don't see anything specific that would prevent a proposal that would –

Eric arrives

Gino –

Karyl – I struggle with the premise that the Affordable units

Karyl - what does that do to open space in a subdivision if we are adding a unit – vistas, views, etc. – we haven't taken into consideration such things as whether the land can handle additional septic

Tom – are you going to get into a bone of contention –

Andy – if you are able to make a 3 lot subdivision into a 4 lot subdivision to get the density, john would like to not be able

Andy – if we talk about a 40,000 sq. ft. lot in ARI – and – what type of reduction are we looking at

John – natick's standard – there is no real guidelines in here on some guidance – what is acceptable to us –

Andy – in ARII – with minimum lot size of 22,500 – how could we establish a minimum – what would that look like

John – sticky question . . did you want to just be able to allow a single duplex within a single family development considering it might be an add on – concern about the appearance

Karyl – what it will look like, what it will be

John – I think this is a good thing to get this passed – but I think we need to have something to work with . . . I think this might be a little too open – I think we need to provide more language –

Andy – for example – if you have 3 lots and you want to make a 4<sup>th</sup> – take 15% of each . .

John – we might want to say the lots in a subdivision

Karyl – open space

Eric Alexander – former, member – 3 Phillips Street – karyl, I think what you are talking about is more appropriate within the subdivision regs – don't you want that everywhere? You can do density in an aesthetically pleasing manner -

Andy – this is ultimately a byproduct of the subdivision –

Eric – concern about the additional lot deviating so much in some significant way from the standard lot – I would think you could – the additional lots should not deviate more than 50% from the other lots

Gino – I would hate to see too much flexibility lost because each site is different – I think we could come up with something – maybe it would vary by zoning districts – you might need a higher percentage in ARII and a lower percentage in ARI –

Bob – I think we would be overlegisating here . . I am a little concerned about taking away their creativity

Karyl – I am the only one who is creative . . .

John – are we comfortable leaving the decision on that with the PB without any framework in there, we are leaving it up to us to decide what is acceptable – by doing a site specific decision, it starts to set a precedent . .

Karyl- thoughts – go back to a 3 lot subdivision – and one of those is a million dollar house –

Chan – they aren't going to make more inexpensive properties

Karyl – let say you have 2 houses at a million dollar each – and the other one has the basic architectural premise so it fits into the neighborhood but it is divided into four affordables

John – would that mean they would get even more a density bonus –

Gino – the density bonus is only to balance the affordables

Karyl – are there negatives to doing multipole units of affordables in one area

Eric – you don't want to concentrate – part of this bylaw is to spread out, all over town – in that sense you do want to disperse them – it is my understanding that the PB have the discretion

Karyl – what is that amount

John – reading the off-site option, one of the things - off site bonus might concentrate duplexes in ARII

John – suggest the off-site affordable would have to match the onsite bonus

Gino – one of the other changes in here is to totally put the bonus to incentivize onsite – No density bonus for payment - and half bonus for off-site . . .

Karyl – this would be very rigor

Eric – add another criteria re; underlying zoning . . on page 5 –

John – I want to reiterate – the town needs this and it is great . . and preparing for tonight and looking at what some other towns have done

Page 1 – under definitions –

In terms of the AH restriction, why 30 years? We end up havng to requalify

Eric – there are a lot of markets where petpetutity works – but when you are marketing an AH unit to a household, sometimes a deed restriction in perpetuity can keep some folks away – concern I would have is if you

John – how about in perpetuity for rentals?

Eric – I think that would be extremelyh appropaite to require perpetuity for rentals

Eric – there are some state programs that only require 15 year deed restriction – that is not to say the town could not be more restrictive –

Bob – why would we do this for anything less than perpetuity

Eric – the deed restrictions severely limits equity growth – there is a real marketability issue if the deed restriction is too severe - if you tie yourself to perpetuity you may have some affordable units that may sit vacant – they may serve to count on the SHI

Andy – let me pose this philosophical question – if we are creating an affordable unit and try to give somebody a leg up, shouldn't we allow the person to move on but keep the unit for the next person who needs a leg up –

Eric – I am not advocating for abandoning perpetuity – the only towns I have seen do the perpetuity – Wayland, Lincoln, certain neighborhoods in Boston – it just not extremely common to see that . .

Tom – maybe some of those decisions are made because of build out limitations -

Andy – if we are going to protect the community by keeping the perpetuity intact –

Eric – from a developer's perspective, it doesn't matter how long the deed restriction is, they sell it and are out . . . this is a town's perspective

Andy – how does this board feel

Karyl – I think I like the idea . . . of perpetuity and then the buyer jumping off into a market rate -

John – this dovetails to what I was concerned about concentration – if you know you are not going to be able to cash in on your investment after 30 years, then you might not be as likely to take care

Eric – I am just trying to explain the philosophy behind perpetuity – the affordable units are going to be very deeply discounted on the initial sales price – I don't think the notion that going in perpetuity is bad, but . .

Eric – what they can make is tied to CPI –

John – the advantage to keep it in perpetuity . . .

Karyl – does perpetuity encourage people moving in and out,

Eric – people stay in a house based on whether it meets their needs, job situation, size, etc.

Chan – that is the ultimate objective, to help people buy up later on

Andy – how do you feel about the perpetuity –

Eric – the type of deed restriction we are looking at would require that the owner would have to be the primary occupant -

Bob – the other approach, if we leave it as it is written, as a board we can have a policy that we are looking at perpetuity but not have to be tied to it

John – . . . you may not get the same investment in the upkeep of the property –

Eric – there is a lot backing it up . . .

John – I guess it is up for debate – keeping

Andy – keep in perpetuity? Or what

Tom – I am ok with it

Chan – fine

Karyl – there are pros and cons . . . but I think I am in favor of perpetuity

Bob – perpetuity

John – would we need to require that they show us how the number of units

Andy – probably in rules and regs

John – still concerned about standard limits . . .

Karyl – when developers come in early for discussion . . . it always about what they can carve out of the land – it has to be figured in as part of their plans – all the infrastructure

John – I appreciate all the hard work that has gone on before to get us to this point – there is a lot of it . . .

Andy – are you getting what you need – it is important that you get the info

John – it has been a helpful discussion – I have gotten to all my highlighting

Karyl – in my opinion, the way this is shaping up, with the small subdivisions, I think it will discourage small single family subdivision because of the overall costs – I think we will see other kinds of development - they may result in a moratorium

Chan – I think I remember the threshold being higher –

Karyl – we linked it to our small subdivision standard –

Chan – I think it solves a problem by allowing the 4<sup>th</sup> or 5<sup>th</sup> unit as a duplex as a solution, but

Andy – that was actually a request from the builder community

Karyl – it changes the character of the neighborhood –

Tom – we are trying to talk about spreading things out – you can walk down streets in older parts of medway that are 2 family homes . .

Eric – if the DRC is doing its job, I don't think it changes

Andy – we need to change the way we are doing this – land costs – we need to do something about it – this is a good time to try it now

Karyl – I would like to see an open space concept – agricultural conditions – competitiveness for land – as we develop and work on AH, there needs to be a balance to allow smaller working farms – we need to encourage that as well –

Andy – are we discouraging that thru this?

Bob – I think you are mixing apples and oranges now

Andy – when we talk about our goals for next year, let's talk about this some more – in terms of open space – I am not sure

Karyl – there is one in Walpole – agricultural element to it – crops – gardens – 5-6 acres each . . .

Andy – an OSRD type of development

Andy – a book was given out on streamlining permitting and take a look at it – study transfer of development rights . . . that comes after – we have to make a new agenda for ourselves and what we want to do . . . we are doing great things as a board – we can get a lot done next lyear – lets choose what you want to take on – setbacks, and

Karyl – I don't see them as separate issues – I see them as distinctly locked together

Andy – we risk overengineering . .

Karyl – I think we are flushing out things . .

Andy – how much support was there for eliminating setback requirements -

Chan – John, were you thru?

John – once we reach our state 10% threshold, would we then adjust the AH requirement??

Susy - a long way off to get to the 10%

Andy – 600 acres

John – AH comes at a density cost – if we meet our requirements, is there something set in place to peel it back?

Chan – I want to move the question – I would move that we approve the document as presented and amended . . . seconded by Tom

Any more discussion –

Page 7 – c (4) – about size dimensions . . .

Paul Yorkis – suggested a range -

Eric – I looked at DHCD’s minimum guidelines – they are very small

Eric – I was wondering if there is a minimum square footage that is imposed for a residential development?

John – why would we allow a multi family unit to have less square footage than a single family detached? This would drive developers toward the multifamily units –

Bob – the expectations

Susy – developers need some direction

Karyl – something that popped into my head . . when you think about properties that have been developed that have gone from single family homes that have converted to condos, one of the visually successful formats is the carriage house in the back that contains

John – if you don’t set an expectation, we will run

Karyl – a smaller unit might be great for a single person . . .

Eric – perhaps provide some direction without . . . “in general”

Chan – I think these numbers are small enough . . .

Gino – if someone does decide to do a payment in lieu of – instead of requiring it all up front, it would be easier if they could pay over time - then what about a development that takes a

Moiton has been made and seconded –



Karyl – no  
Andy – yes  
Bob – yes  
Chan – yes  
Tom – yes

John – I am concerned about overpopulating the school system . .

Andy – I used to think that way . . and it is still a concern of mine – but I remember Eric saying one time . . .

Eric – it is disappointing to me that we turn our backs on families – we aren't as welcoming as we should be . . . we need to find a way to house people who want to live here

Andy – fabric of a community, where we can have old people, and my kids can live here .

Saturday – may 31<sup>st</sup> – 9 am – andy, chan, karyl - Plan B - Tom cannot attend

Friday – may 30<sup>th</sup> – andy, chan, tom, karyl could attend . .- Plan A – 7 pm

Bob is not available at all that weekend at all

Motion to adjourn – 10 pm –

May 27, 2008

Sanford hall Medway town hall – 155 Village Street

PRESENT: Andy Rodenhiser, Karyl Spiller-Walsh, Bob Tucker,

7:05 pm – open the meeting –

CITIZEN COMMENTS - None

Bills –

Petrini and Associates – Marian Retreat Center – 616.70 – Plan review – chan, bob – all yes

Tetra Tech Rizzo – 3120.50 – Franklin Creek CO – bob, chan – all yes . . .

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Back of packet – request to amend the text of article 19 for 2008  
Annual Town Meeting –

Request by streifer family -

Motion by bob, chan – to not modify the language as requested . . . all yes . . .

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Committee Report - none

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43D

Gino – I prepared a draft of revised rules and regs for our 43D program – I sent out an inquiry to massplanners listserv – Leominster and Walpole are working on theirs – both soon to be completed . . . 180 day turnaround requirement begins after an application is determined to be “complete” -

**Send draft version of 43D rules and regs to PB ASAP – send them out on 5/28/08 – electronically**

7:17 pm – Open Public Hearing -

Opening comments by Andy –

Motion to dispense with reading of the public hearing notice – chan, bob – all yes

Dan Wolfe, David E. Ross Associates –  
Dennis Murphy jur  
Dennis Murphy III  
Attorney \_\_\_\_\_

Property is former Swifts landscaping operation – we were here with you for a pre-submission meeting – the site right now has a number of different buildings that have been brought in and added over the years – greenhouses and storage trailers – some of those have encroached on adjacent property to the west – proposal – remove all items and move forward to construct a 3309 sq. ft office building for Murphy Insurance Agency –

The building is centrally located on the property – we have moved the existing driveway easterly – new septic system needed fill which set the height of the building and parking, etc. – small parking lot with 10 spaces – your requirements are for 8 – the slope of the parking and driveway is in a southerly fashion runoff to stormwater facilities compliant with DEP most current – serve site with existing town water, on site septic system has been approved already by the midway board of health – we have opted to abandon the gas service to the site – wetlands to the south and west of the site – we do have an application for the concom – within 100 feet – next Thursday night – sight distances are adequate for the speed of the road –

Andy – are you able to address any of the comments –

Dan – the letter from Mr. Carlucci – he points out that under zoning – it is an approved use and complies – we do have 10 spaces, 8 are required – he says size is 9 by 18 – we are asking for a waiver on having to complete the development impact report – summarize comments in the – waiver for a requirement for a landscape architect to complete a landscape inventory – this site itself has nothing of permanent landscaping in terms of trees and plantings – it is more or less devoid of anything –

Comment #5 – the drainage design does not include any catch basins – he is right but the new DEP provisions encourage LID – and we

The other waiver is for a LA prepare a landscape plan – we have prepared a planting plan – I have included photos of their other Murphy – we have done a plan but not completed by a LA

#7 – color renderings of the building – we have a color rendering to show you tonight – not included in the application packet – it is a color rendering of an earlier version – a few architectural details have changed –

Susy – scheduled for the DRC's next meeting . . . – June 9<sup>th</sup>

Dan showed color rendering – classic new England cape style building with a wing off the back – color is a grey with offset trim color . . .

#8 – area within floor plan is to be labeled – we will use the entire building for office space for Murphy – no tenants

Comment about signage – I do have some pictures to distribute – to show Murphy's company identity – Harvard office sample – we will show

Photo shows type of buffer we installed in Harvard – we will do something comparable for our abutters to the east . . .

Bob – illumination of sign – we are a proponent of down lighting vs. uplighting – some concern about uplighting getting in driver's eyes –

Dan – only plan is to light the block of the light itself . . . rather not have a pole to raise up lights

More on gino's letter – he asked that details I submitted within the bound book be added to the plan –

Andy – yes, that is important . . . what we are trying to do is provide a good communication tool for those that are out reviewing – one comprehensive piece of paper that people can reference - anything you wish to waive please describe and justify . .

#11 – snow storage area – we did not label that on the plans – snow storage at southern back of site behind parking lot – I will add those labels to the plans

#12 – your requirements call for landscape island or shade trees – I am defining this as a relatively small project – this is not a huge project – we did not break up the parking lot with any islands of any sort – whether that is a topic of conversation –

Karyl – not a concern

Andy – just request a waiver –

Tom – the offset layout is good

Andy – any comments

Chan – I would approve the waiver for a LA to prepare a plan – I move we approve that waiver – I will wait

Andy – we will take up all the waivers at one time

Dan – the last comment #13 –

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TTR review letter – I deal with many different towns and I have not presented to you before – at least the first couple of pages, the TTR items that are brought up – ask for verification on many items – for example #3 – how would the board like me to verify that we will not have those impacts –

Andy – it seems like an irrelevant to this project –

Susy

Andy – get together with Dave and address these things and put together a letter that addresses these things – and get it to him before the next meeting so he can review . . . – we would like to expedite this and move along

Dan – OK if I contact him directly

Andy – yes . . .

#1 – we do have an application before the ZBA for a special permit – we were here last Wednesday night with the ZBA – no quorum – extended to next Wednesday – June 4<sup>th</sup>

#2 – not an industrial

#3 – final version will need to be wet stamped

#4 – do a waiver on revised scale – for a smaller lot –

#7 – add all architectural stuff to the cover sheet

#13 – we are not proposing any fire boxes, etc. –

Andy – followup with Wayne Vinton –

#14 – issue of sidewalks . . . the frontage that is along there – you can construct a sidewalk or you can make a payment in lieu of or construct sidewalk someplace else (talk to Dave D’Amico) – cheaper for you to build it somewhere else vs. paying into the fund because that amount is based on what the town’s cost would be per prevailing wages

#15 – snow

Conformance to Subdivision Rules and Regs for construction standards

Ask for waivers where needed –

Dan – shall I ask for a general waiver to all the subdivision standards or to specific items

Andy – sit down with Dave pellegri –

Question #17 – does this site plan package need to include all the drawings approved by the BOH –

Dan – I will speak with Dave on the rest of these and come to a consensus on . .

Question on #24 – 10 ft berm at top of detention ponds -

Conformance with Mass DEP stormwater standards -

Assume construction entrance will go where driveway will go –

Norway spruce barrier on east side – we will not remove the large oak tree –

Karyl – question on leaching field – what is the finished topography

Dan – fairly flat – 2% gradient –

Karyl – will it be a mounded box on top of the lawn

Dan – no – it is not a visible feature

Dave – explain more about the type of septic system

Dan – we intend to remove the structures on adjacent properties and plant with wildflowers – owners unknown per Assessors – restore it and get it - - there has been 20 years of access to these areas . . . there is no one –

Chan – you might even have rights of ownerhsipo

Dan – if we had more time, we might pursue that but not of immediate concern

#49 – will infiltrate

#50 – we will use a well for irrigation purposes –

Andy – you may need to talk to Water/Sewer about having two water sources –

Dan . . end of two consultants letters

Karyl – some comments – about forebay and swales – and landscaping process – we had talked briefly at DRC about plantiong to naturalize the – especially to buffer

Dan – we could do that but there are requirements for vegetation to be mowed

Dan – some buffering

Karyl – I am concerned about the view from the parking lot

Dan – this is not a huge basin – lots of – about 2 feet maximum depth

Dan – some sort of landscaping buffer at southwestern line of parking lot

Andy – any more info to present

Andy – any questions from the public

Bob – any concerns?

Susy – trash

Mr muphy – we have very little – we truck it – it is trucked twice a day and brought to a central location – we don't generate too much paper – everything is on the computer –

Dan – we don't have a need for a big ugly dumpster –

Mr. Murphy – our runner picks up the trash - please take a look at our other properties and we have a good reputation – we certainly want to get along in the community – I want to add to my customer base – we need some flexilitilty inside in terms of layout – e image everything – all trash bags would be retained within the building – we grind up . . .

Chan – I would like to complement the applicant – I have studied yoru information – very impressed – we are very fortunate to have somebody take this site and develop it – I want to congratulate you for what you have odne

Tom – the other locations look like maintained homes vs. businesses –

Andy – nice job

David pagaini, 300 east main street – milford – I represent the owners – what is the appeal period after decision is filed . .

Susy – twenty day appeal period after filed with the town clerk

Dan – both sellers and buyers

Motion to – june 24 at 7:15 pm – continue – chan, bob –

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Motion ito endorse plans and sign covenant – b ob, karyl – all ye s-

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John's Auto Body Site Plan – PH continuation –

Revised planting plan – added a tree to the left side (west) and then out front I called for grass strip within plating some bushes on either end and called for repairing the bit berm

Have drywell accommodate runoff from entire building –

Motioin to close PGH – chan, bob – all yes

Finalize on June 10<sup>th</sup> –

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Chan – MAPC people are anxious for Medway to get started on the design for Route 109 - we need to get a committee, select a designer, etc. – a year and a half –

and get the BOS to approve the route 109/126 intersection design – approval has to come from the BOS

Andy – they will take this up right after town meeting – they have been fairly full with town meeting, election and posting and last minute budget stuff . . . I spoke with Glenn – waiting for them to have space on their agenda to appoint a committee

Chan – funding for the design can come out of chapter 90 monies. Vallee and Spilka had earmarked some funds for that as well –

Andy – we are talking about a redesign of route 109 from milford to millis – we are talking aobut a committee to look at this – what chan was also pointing out was the intersection at route 109/126 and the redesign of that area – urge the BOS to approve the redesign of this area . . .

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Reminder – a public hearing on 5/30 at 7 pm – on the zoning amendments –

Susy – AH meeting – Wednesday – house in Norfolk possibility to be donated . . .

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Bob - \$ for Northeastern project

Susy – contacted two parties for funding – waiting to hear . . .

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Master plan update committee – will give a report at town meeting – the group is doing a great job on compartmentalizing the info -



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Gino – at the last SWAP meeting, there was a presentation about PICTOMETR  
Y software – flyover – aerial photographs taken from oblique angles so it looks 3  
dimensional and from multiple angles – to be provided for free – they are in the process  
of creating a new set of photos to be provided free to the Town – can be used for  
whatever purpose the Town wishes . . . this time it will be on a DVD –

Tom – the high res versions can be georeferenced and have overlays –

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Looking ahead – planning session/goals –

Andy – I would like to see us look at the waiver requests coming in for Murphy Site Plan  
for a possible way of revising our site plan rules and regs . . . . .

Andy – state has a LID workshop coming up – I am going to that . . .

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Greg Whelan – informal on OSRD -

I have two form A lots with frontage on West Street – they could be used for duplexes

What I am proposing is that – I am thinking of doing 3 buildings with 6 duplexes –

Gino – they are in common ownership –

Greg – there are two existing Form A lots there . .

As an OSRD – I can do 21.5 – I want to do 3 affordables

Greg – how much of the OSRD is flexible?? Do I have to go and hire a landscape  
designer? I just want to make the existing driveway a little wider

Greg – is there flexibility?

Andy – 18 units is actually pretty big . .

Kary – I think you would want to have some architectural variation – where are you  
going to park them all?

Andy – write it up what - explain what you want to do . . . . .

Susy – the PB cannot waive the basic requirements of the OSRD zoning

Andy – this is the last informal with the PB on this

Greg – I have been beating this for awhile –

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Bob Potheau – site plan modification for 4 Main Street re: façade renovation –

The bulding was done in 1981 – 2 story structure – there was a junkyard there – what we have tried to do is find a creative way to elevate the building – photo of the building as it is now . . in order to finish the parking lot we need to set the façade – we have had a for lease sign – interest in industrial use – having 4 overhead doors – I could rent it over and over – I was hoping to come before you with one big tenant – no luck in this climate

Andy – what if you were to tear down the big white building?

Bob – there are no customers right now with real estate market and

If we put a façade on it we would have a better chance to rent it than green tarps – hard for folks to visualize – we need to pave and put on a façade on – if it doesn't look like a building

Karyl – what do you intend to do anything about the interior

Bob – we have put bathrooms in there – inspected by bob – such that it could be divided into multiple tenants or one big tenant

Bob – one of the wishes we had with all of the meetings from original – one of the wishes from the DRC was to have a comparable color scheme – we have picked same colors as the eastern side – with metro west property – same brick and siding –

Bob – it is an existing building – all the beams are in place – there is a very deep beam on the roofline – normally on the end of the building you would have an 8 inch beam – we have a 15 in beam – these are limitations we have in terms of putting on the façade – we don't have a lot of options open to us . . we have given you a drawing – all of the glass will be low E rating glass as required by building codes – we would like to put up this façade and then the tenant might want something different – I would prefer to see medical offices, professional offices – anything but the industrial uses – lots of people wanted oil changes, and I have avoided that . . .

Susy – three phases

Bob – with this phase – the DRC put a great deal of emphasis on design – we used real stone – and the landscaping – I am just here to put a façade on the building – I need to get a façade so it looks rentable . . . all other aspects

Bob – when I went for the extension last year, I didn't understand that we had to do a full modification – I didn't see that July 2007 decision until just last week . . .

Andy – that was riddled with comments on a plan modification

Bob – I am not allowed to put stores in there right now with the present zoning . . . we want to put something up that will make this marketable

Andy – asked for clarification on wall in front

Bob – we put in the wall for drainage purposes – we would finish it off the landscaping will be in front of the stone wall

Andy – master signage plan?

Bob – that is a whole another issue -

Andy – we would like to see you come in with a plan for signage for this building – for the ones on the front and the ones on the back

Bob – we have no signage -

Andy – I am very concerned that it is mish mashed up and out of control

Bob – it is not out of control at all – I am doing the best I can – I take offense that this is mish mash – I beg to differ with you – I am here for one thing – we need to put a façade on - the tenants will tell us what they want for signs – they will have to meet the sign codes – I need to put a façade on the building – the bank will pull the construction loan

Tom – one of the things . . . when you might have read this

The DRC recommends –

Where would you put a sign, basic sizes based on sign bylaw, -

Andy – you need to do that

Bob - if I replace the siding

Tom – how hard is it to look at the site plan and decide where you will put a sign? Every project that comes in here has to address signage –

Bob – I don't mind working on that – time is of essence – façade on the building – I relied on one thing – I was told that the PB and DRC wanted to see storefront windows – when I went out and borrowed money

Andy – I remember the DRC begging you to get an architect and get some p

Bob – I am here tonight – I need you to take a vote on the façade of the building

Andy

Andy – signage and lighting – no lighting going in on the façade at all –

Karyl – you don't know who is going to be in there – you want a commercially acceptable presentation of the building so you can attract tenants

Karyl – you need to provide a signage plan – the building needs more detail on it – some kind of simple planter boxes might be enough to soften it – or plantings of some trees in front – in lieu of doing something architectural

Bob – I am not going to revisit – I need to put up a generic storefront

Bob – any kind of signage you get a chance to look at –

Bob – I relied on the fact that the PB and DRC wanted a storefront – June 1 I lose my financing on this – I am not here for you to approve signs – I am here for you to approve the façade design that I was told

Andy – if that is what you have to do

I cannot put this off to another meeting – I am presenting a façade – not

They are exactly the colors of metro west auto – exact same brick –

Tom – I am the new guy – I wasn't involved in 2003, 2004 or 2007 – I am here right now – in the thing that was sent out quite a while ago - July 18 from 2007 – I would ask for what the DRC

Bob – you would like me to come back with signage plan that meets the sign regs – and what you are looking to do – assume

Tom – let's complete this . . .

Karyl – not just the signs – he already has landscaping in the plans – and I want to see some improvements to the façade –

Bob – I believe we will have lighting inside the overhang – Brick façade part way up – this is not a brand new building –

Tom – I think the recos from the DRC –

Bob – I thank the DRC over And over again for the value of the DRC – it was a lot of work . . .

Bob – I don't have a problem coming back here with a master sign plan so we don't have all kinds of mixed up signs

Kayrl – what tenant is going to hate window boxes?

Bob – I cannot agree to the window boxes

Bob – I wouldn't want 4 different signs on a building - I have a sense of aesthetics – take a look at that wall and what I have done at the other end of the site

Susy – I think you can require a master sign plan as having to be done before an occupancy permit is issued

Andy – how about the rest of the work? Can you stay with the September 21, 2008 deadline?

Bob – I believe I can stay with the 9/21/08 deadline for the rest of the site work . . .

Susy – I want you to talk about the awning options with him

Andy – then we need to schedule more time to talk about this

We are sitting here tonight and you are trying to force an issue with a yes or no vote – we would like to accommodate you – it is 10:15 - if we are not able to get everything thru – the board will decide whether

Tom – I want to see some minimum things before I would vote – that he be bound to submit a full plan for the building, landscaping and signage – last paragraph of the DRC memo's recommendation

John – I don't think we have fully addressed – we have a DRC recommendation – I would like to see that done before we see what the façade would be

John – I would like to follow up Susy's suggestion and go thru the DRC memo one by one – these are consistent things we ask other applicants

Chan – every one of these – this is one of a kind – I would like to see – I would like you to move ahead and not consider recommendations of the DRC –

Karyl – HUH!!

Andy – some details – you could turn the brick, have bluestone –

Tom- flush it out a little bit

Bob – it is 100% - it is a pre-fabricated package we buy from the Morton building – it is 100% identical to the Metro West building

Karyl – the scale is very different between the two buildings . . .

Bob – when I went for this permitting and went ahead with the project, I heard you say that you would

Bob – I cannot add anything to that basic design –

If I can't do that, it will be what it is –

Bob – everything became far more expensive – I am coming in here and asking for a generic front – it is a vast improvement over the green tarps – if I cant get that I stop

Chan – mr. chairman, tom's point, that last paragraph includes building, landscape and signage

Cha – I am suggesting we approve the façade as he has presented and come back with a generic signage -

Bob – the landscaping is already approved . .

Andy – is there a motion here?

Tom – motion to approve the façade and require him to bring in a plan that represents façade, signage and landscape

John – which is one, two and three of the DRC memo

Chan – the DRC implied

Tom – when I go back in the DRC memo, they ask the PB

Tom – if he comes back with a plan with some more detail – there is not enough detail as to what that package is . . basic façade improvements

Andy – this is not a pre-fab

Bob – you are wrong – it is a pre-fab

Bob – prefab piece with overbrick –

Andy – then, there will not be any changes –

Tom - Motion – approve proceeding with the basic façade and require he deliver back a master sign plan with a require a sign plan to be approved before September 21, 2008 completion - seconded by Bob

Andy – I oppose

Karyl – I oppose

Motion carries – approved by Bob, Tom and Chan

File a decision with the town clerk on Wednesday . . .

Bob tucker – in the interest of the interior flooring – look very carefully as to how that façade is attached, especially at the floor level –

Next meeting is Friday – oct 30

Chan – I want to go back to the aerial pictometry – GOOGLE has this available already –

Tom – GOOGLE buys it from PICTOMETRY-

Moiton by karyl – tom – to go into exec session for purposes of discussing pending litigation and not come back to public session

All yes - . . .

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## EXECUTIVE SESSION

Susy briefed them on letter from Barbara dated 4-30-08 - pretrial conference scheduled for 8-13-08

Barbaqra wants to meet with the PB to discuss strategy . . .

Karyl – I think we can do this . . .

Superior court, not land court

Moiotn ot leave exec session – karyl, chan –

Rolle call – all yes . . .

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Motionto adjourn – bob, kayrl – 10:50 p.m.





June 10, 2008

PRESENT: Andy Rodenhiser, Tom Gay, Bob Tucker, John Williams, Karyl Spiller-Walsh

NOT PRESENT:

ALSO PRESENT: Susy Affleck-Childs, Barbara Saint Andre, Gino Carlucci

The meeting was called to order at 6:35 p.m.

Motion by bob tucker, karyl -= to go into exec session for the purpose of discussion pending litigation –

Roll call – all yes

Intent to go back into open session

Barbara Saint Andre – Barberry Homes – they have a new lawyer – basically they hired him because the other person they had was not really a litigator – I called him to see if there was a way to settle this . . that is the only condition they appeale d- \$ to senior center – prior counsel had not been encouragaing – he got back to me – if the town wants to waive the fee for the senior center, they would be happy to settle – client doe not want to pay anything – not interested in any remand to the board – I did mention these things are not done in isolation – give and take – told him they had agreed to it and then changed his mind – maybe what we need to do then – maybe they board could waive the fee but also retract some of the waivers . . . don't think we are going to get that far with them –

Karyl – no where

Andy – what will it cost us

Barbara – spoke with SK on cost – this would be a one day trial – one issue case – you are talking 15,000 to 20,000 dollars. The problem is . . we don't have a great case – we say everything is great and then we get to mitigation and

Andy – did we not explain very well why the mitigation . .

Barbraa – I did some research – mass has not caught up with the rest of the country – not allowed to just charge people \$ to raise \$ - directly related to town – to say we have a senior center and . . . franklin case on impact fees was thrown out – can't single out certain property owners . . . there is nothing in your arcpud bylaw that discusses mitigation – best we would get is for the court to strike condition and then direct a remand to the board

Andy – could we get punitive at that point?

Barbara – you can do anything in good faith

Karyl – let's retrace – in that development, they came in initially, they had plans for a community center or a retail center . . .then they decided they were going to retract those uses and then they came in with 4 addiitional units along the front instead of retail or community center – and we allowed then some density and closeness there and they proceeded to give us a bunch of bull about the design . .

Andy – bottom line, there was a considerable amount of give and take – because we were looking for a payment to the senior center – we felt there would be an increased number of people that would impact our senior center – they pointed out to us distinctly, OK if you want me to do this, we are going to need waivers to be able to do the project – we went down thru the list and we were very accomodating –

Karyl – the fact that it came in after the RiverBend which had a community center

Andy – and we used the same formula (for calculating the \$ amount of the senior center) and didn't count the affordables

Andy – at one point, I looked at him, and asked him – you agree to this – and he agreed to it and then at the last meeting, he said I have a problem with some of the language. his boss wasn't happy with the text and wanted us to bend on the language and I want to say that we did bend a little bit on that.

Gino – the original language of the decision was that they had agreed to the payment and they asked for that to be changed –

Barbara – they told you they didn't want to make that payment in their response to the written drafts of the decision

Barbara – bottom line is where do we go from here – our defense will be that there – I will try to argue that it was a valid decision – there is nothing in the bylaw that talks about mitigation payments . . I think probably the results would be a remand

Andy – under that, we would continue with the process, maybe throw out the waivers

Karyl – can we go back into the development plan – can we look at it again

Barbara – depends on what the judge says . . they may have specific instructions on – our response is that if they want to remove that condition, everything is back on the table . .

Andy – I think they really don't want to build the project –

Karyl - the open space committee is really eager to look at that property

Barbara – do not interfere

Gino – I met with jim williamson and he told me that he wanted to have a decision by june 30 because that was when the P and S expired but if it was appealed, they would have their rights to the property – the market was bad, this gave them time -

Barbara – the rest of the decision is very favorable – that is the only thing

Karyl – we were very flexible

Andy – we had just come off of the other project (river bend) – and we had worked quite a bit with Mark Bobrowski terms of what we could do – I think we felt we were justified in what we were doing – that we had met the requirement for linkage . . .

Barbara – there is a good deal of negotiation in these discretionary permits – idea is to be flexible – mold project to the site – you really need to be able to hang your hat on something in your bylaw – it is iffy in Mass

Bob – I don't think he made his objection really known until after we had voted . . . we had already voted on the waivers at that point . . .

Susy – your vote on the waivers may have

Barbara – if something like that happens again, move to reconsider your vote . . . up until you file it with the town clerk – you have a right to change your mind . . .

Andy – do you recommend anything we should do differently –

Barbara – I am not sure there is a bylaw that you can pass that would allow a straight mitigation – it has to be linked – comes down to negotiation and what the applicant will agree to - I have seen things worked out quite well . . .

Andy – when we consider whether there is a change in the waiver – we evaluate the benefits to the town

Barbara – every time you granted a waiver, you said it would be OK - - one thing you can do, right at the beginning – all of your findings/waivers are tied to conditions – you want to say that the project with the conditions meets all the standards – it is a real stretch under Mass law . . that is the way it is right now . . .

Andy – the minutes should reflect what the intent was – and

Barbara – back and forth – that will be our argument

Andy – if we are going to spend the town's money we should

Andy – is it worth it to the town to pull the \$100,000 and let the project go in? I would rather see nothing built there at all . .

Karyl – it speaks to the integrity of the process we went thru – very thorough, very fair – give and take – it wasn't capricious and arbitrary – it was related to the senior center people over 55 –

andy – do you need a motion from us

barbar – no, unless you want to authorize me to pull the \$100,000 senior center payment off the table

bob – we would agree if they wanted to pay \$200,000 !

barbara – one option is a motion for summary judgment – to ask court to decide the case without going to trial – I am hesitant to do that because we want to explain the facts – I think our best case is to go to trial – some of you will have to be involved

karyl – what court is this

Barbara – superior court in Dedham . .

Agreed . . . –

Motion to come out of exec session and go to open session – bob, karyl –

Roll call vote – all yes . . .

## BACK IN REGULAR SESSION

Karyl – I have a question in the renaming of the PB – there was some discussion at the DRC last night

Barbara- the charter has renamed you to P and Eco Dev

7:10 pm open regular session – we were discussing pending litigation

First order of business – election of officer

Karyl - andy as chairman, seconded by bob – all yes . . .

Karyl – bob tucker as vice-chair if he is willing to continue – second by tom gay

Karyl – motion to nominate chan rogers as board clerk – if he is willing - tom gay – all yes

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Citizen comments - none

\*\*\*\*\* Anr plan for water tank site

Barbara – the town has been engaged in finding a new well site – water and sewer commission voted last Monday to “take this land by eminent domain – we have to file a plan to show the registry what land is being taken – to have a well site, you have to control a 400 foot radius around the tank – I just have the signed order of taking – we are asking the board to endorse the ANR

Tom – why doesn’t the circle go all the way around

Bara – it belongs to the army corp of engineers

Andy – we had talked about rezoning the area around this for industrial –

Mark – whatever area is in zone 2 - . . .

Andy – as far as the access that goes into here – proposed 20 feet 0 is there anything that would preclude a 50 feet

Barbara = water sewer did not take the fee in the easement – we took a non exclusive easement – we don’t want to interfere with – we are not interested in building a road for the well

Andy – our board is interested in how we can promote the development of that area

Barbara – a future road would not interfere with

Gino – the changes asked for

Motion by karyl, seconded by bob tucker – all yes . . . .

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Country view – mary lou Whelan –

I have received copies of the deeds from Ted Cannon

Barbara – there are still a few issues . . the problem is – I spoke with my title examiner – pushing him as hard as I can – in many cases, mr. Whelan did not keep the requisite interest in the land that he wants to convey to the town – some on the roads and on the drainage and sewer easements – I don't have a problem with the form of the deeds – but – it is matter of title – whether he has title to give to the town – it appears you own portions of it – I have a title examiner looking at all this who is looking at this – he will give me a list of every single piece – in some cases –

Marylu – why the changes

Barbara – the problem is when the people bought their houses, they bought to the center line of the road because the deed didn't specify

Marylu – I went up and spoke to people today, they are willing to sign – it is just a matter of who

Barbara –

Marylu – the grant of the drainage easements – is that the same?

Barbara – two parcels have been deeded out . . it appears that greg did not keep the sewer easements – it may have to be changed – I want to make sure that when we do this, we do this once –

Barbara – we have 120 days for the town to acquire the easements, etc. – if it goes past 120 days, then the street acceptance is null void . .

Marylu – is it possible to take it by eminent domain –

Barbara – yes . . . it would have to go to town meeting to do that – it could be done

Bob – why is it in our interest to go after it by eminent domain – it is in the developers interest to get it

Barbara – we will continue to work on

Marylu – just today the grant of sewer and utility easement has changed 3 times . . from Ted Cannon

Barbara – I have only seen one today . . .

Barbara – I asked Ted, he has been sending me info on titles, etc. –

Marylou – shouldn't these be grandfathered because it was so long ago . . .

Susy – we are in a transition from old ways of doing things . . . to a more precise method – very common way it was done in medway for many years . . .

Marylou – is there any way you would consider reducing the bond –

Andy – is there a risk we may have to do eminent domain takings

Barbara – yes?

Bob – I don't think we are in a position to reduce the bond until we have more solid info about how many

John – sounds logistical

Tom – I would agree

Karyl – perhaps we could reduce it by some . . . do we need that much – that is a lot of money

Andy – bond is an insurance – payment of subs should not be coming from the bond – that is

Marylou – it is just the work that has been done to get the road accepted –

Andy – you are not hearing a motion to reduce the bond . . . we have made it clear thru this process that we were reluctant to

Marylou – so you will be in touch with Ted –

Barbara – 120 days will fly by

Andy – as soon as we feel we can

Marylou – is it actually town owned yet?

Barbara – until we get the title in hand and it is recorded

Barbara – what about money to pay us and our title examiner – we need to –

Susy – would you entertain reducing the bond

Karyl –

motion to reduce the countryview account by \$5,000 – karyl - second by bob – all yes

motion to direct the \$ 5, 000 bond refund to the cv estates CO account with the applicants consent – all yes . . .

Barbara leaves at 7:40 pm

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Evergreen Meadows bond reduction –

Andy – the fence is propped up to screen – I think it should be a plan modification if it is going to be there permanently

Karyl – is maybe it is a temporary thing  
Let's have Mhark talk to him about this

Motion to reduce the bond for everygreen meadow – tom gay – as recommended – seconded by bob – down to - all yes . . .

Bob – is it possible in the future, that they specify the give the date of the MHD weighted average bid prices

---

Anr plan – for pine meadow II

Recent Revisions are OK per Gino

Tom –

Gary – they resurveyed the 2 lots - the partnership ell apart – the attorneys and parties – split up the lots into two sides and Pine Meadow will stay as the entity to own the road – I have given them an estimate for the road – they are buying their 3 lots plus figuring – no bond has been funded yet

OK to move

Motion to endorse the plan – bob, seconded – karyl – all yes - signed . . .

Andy – this overall plan has already been approved – this is just a lot alignment –

Gino – this is a plan that corrects the previously approved plan which had an error in it for a lot size . . .

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Nate Dishington – for 32 Lincoln Street

Revised the plans . .

Gino – there were some technical issues that the rules and regs require certain info – they have revised it and it is all on there now –

Andy – any questions

Nate – the people who live behind have no way to access their property without going on my property – they have always wanted to make use of the strip – I am selling the property – I figured it would basically – makes both lots look a little better

Tom – I had some questions – there is this plan by salvetti – the numbers don't seem to match – 2100 sq. ft –

Nate – that is what I used when I built a driveway and deck and used it to the zoning board to illustrate what I wanted to do

Tom – the new one is completely updated –

Motion to endorse the ANR plan as revised . . . karyl – seconded by bob tucker – all yes . . .  
Board signed the plan

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Marian Community – Jim Tusino – we have the plans for endorsement – we were waiting for written approval by Sergeant Watson – we put in ADA pass thrus for the sidewalk –

Board signed plans . . .

Jim – we are now ready to file our NOI with CONCOM – on Monday . . . the building needs state approval because it is modular – it has to go to the state – they look at modular components – working on an agreement with the claybrook to tie into their sewer pumping station

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Summer vacations

Bob – week of august 11 –

Tom – good on all the dates as planned – 6:30 pm is not great for me

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ANR Plan – 25 Summer Street –

Photos of private way

Note from Gino Carlucci

As-built plan of the roadway

Paul DeSimone – 3 lot ANR at 25 Summer Street – there is no name for the street - 11 feet of pavement within a 45 foot layout – the little turnaround is a hammerhead – Margaret Jason owns the road –

Gino – I question the fact that the private way provides legal frontage – I don't know if there are any rights to use the private way – we don't know how the subdivision was approved – whether – there is no certificate of action that accompanied the plan – there is no covenant to accompany the plan – we don't know if the approval was limited to just those lots – it may all be OK – but the evidence is not presented –

Plan was recorded – no decision can be found; no covenant has been recorded –

Paul – we couldn't find anything . . .



No covenant at the registry - . . .

Paul – Paul Kenney says Matt has rights in the road –

Gino – a right to use the private way doesn't mean it provides legal frontage –

We don't know if the road was built according to the approved plan -

Paul Desone – there is no plan that stated what was to be built – we don't know what was intended - . . .

Susy – perhaps there can be some legwork done with GLM to see if they have anything –

Motion to decline to endorsing the ANR plan per PGC letter dated 6/10/08 – seconded by tom gay. – all yes . . .

Bob – I feel like I don't have half the information I need –

Kayrl = that is a reason to decline

Tom – keep it moving by saying no and give you guys a chance to have more time to put together other documentation

Karyl – I think it is a legal land use question as well . . .

Paul Kenney couldn't make it tonight . . .

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VERIZON –

Ryan Silveria, DACON

Mark Beaudry, Meridian Associates - we had to modify the two islands to accommodate the AZZ/CGIT trucks which have to go thru here to get to their property – when it came to our attention during construction – we just made that modification to the islands – we lost 3 parking spaces – we had a surplus of 92 spaces –

Bob – which two?

Ryan – the ones closest to the building –

Mark – we had to put in a larger turning radius to accommodate the AZZ trucks – to avoid them hitting our fence and ruining our landscaping

Mark – there was an initial certification that I did a few weeks ago – there was some plant material that had not been installed yet – it was not complete – DACON went back to get the landscape contractor back involved – our new certification notes the substitutions of trees (OK) and the island adjustment –

Motion to accept the as-built drawings and release the bond – bob, karyl – all yes . . .

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Site plan for John's Auto Body –

Approved by PB – see document from meeting with motions . . .

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Bills

VHB – construction observation – eergeen and sponri 1212.27 – karyl, bob – all yes

TTR – Daniels Wood II – plan review and CO – 1749.45 – karyl, bob – all yes

Contracted services – milford daily news – 303.60 – karyl, seconded by bob, - all lyes  
For public hearing #2 –

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DRC appointments

4 people – matt, gwen, dan and Rachel – motion by Karyl to appoint these people again thru 6-30-08 – seconded by bob tucker – all yes

IDC – looking for people who might want to serve on the IDC . . .

PB Goals – work session . . .

Andy – susy to send it out to everybody . . .

Andy – I want to put together a working committee to focus on the bottle cap lots and that project up there – I wanted to share with this board - ad hoc – someone from DRC, group of people who have their feet in various perspectives . .

Karyl – one thing that has been kind of successful – Susy now has an agenda slot on our DRC agenda to share info – what is going on - one thing the DRC talked about last night – we are looking to do a bus tour of the town – look at different things that might be relevant to – good things, weaknesses – comment collection –

Susy – looking at doing a goal session/discussion on 6-23-08 –

LID workshop on 6-23 – andy, and gary Jacob . . . OK to spend \$\$

Susy – prel plans for 4 main street

Motion to adjourn – bob, tom – all yes

9:10 pm

## **June 24, 2008**

### **Medway Planning & Economic Development Board Meeting**

**PRESENT:** Andy Rodenhiser, Bob Tucker, Chan Rogers, Tom Gay, Karyl Spiller  
Walsh

**ABSENT:**

**ALSO PRESENT:** Susy Affleck-Childs, Planning Board Assistant  
Gino Carlucci, PGC Associates

Chairman Rodenhiser called the meeting to order at 7:05 pm

**Citizen Comments** – None

**Fisher Woods Subdivision /Shady Lane** - Discussion on Request for Bond Release

Mike Curatola –

Andy Rodenhiser – covenant? Usually there is

Mike Curatola – It was a private way; always meant to be. I don't recall if there was a covenant; it's been a long time.

Ken Bach, 2 Shady Lane – been there since the house was built in 1987 –

Andy Rodenhiser – any questions

Chan Rogers – What was in your mind when you did a private way development?

Mike Curatola – I think the town wouldn't allow it to be a public way because of the steep grade. I think that was the reason why. It was actually the town that wanted that.

Chan Rogers – I can't understand why anybody would want a private way.

Ken Bach – We do want it to be a public way, and we would be delighted if the town were to accept it.

Bob Tucker – Susy,

Mike Curatola – There was a larger amount. They gave us most of the balance back. They kept back some money – catch basin on the left hand side – It is my recollection that we had it repaired, and town came by and said it was fine. There might have been one other issue, I don't recall. I think Jim Brodeur was on the PB then. He came out and said it was fine. I completely forgot about the money until I saw a print out from my bank.

Andy Rodenhiser – Have you driven up there at all? It is not in pristine shape. 20 years

Bob Tucker – What were they holding the bond for?

Karyl – Was there any written communication?

Mike Curatola – I threw all that stuff away about a year and a half ago.

Tom Gay – What is the status of the road shown as abandoned?

Andy Rodenhiser – Who owns the road? Did

Ken Bach – right of way is split 50-50 with abutters

Motion Bob Tucker – to release the bond – seconded by Chan Rogers- all yes –

Susy – agree to cut two checks – one to Mike Curatola and one to Joe Griffiths . . .

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### **Pay bills**

Norfolk County Registry of Deeds - \$100 – Bob Tucker, Chan Rogers – all yes

PGC Associates – 43D expedited permitting – \$1040 – funded by grant money – Chan Rogers, Bob Tucker – all yes

PGC Associates - \$37.50 – construction inspection account – motion by Chan Rogers, Bob Tucker – all yes

Gary Jacob – LID conference registration - \$85 – Karyl Spiller-Walsh, Chan Rogers – all yes

WB Mason – office supplies – \$128.02 – Bob Tucker, Chan Rogers – all yes

TetraTech Rizzo – Murphy Insurance \$2515.78 – clients – Karyl Spiller-Walsh, Chan Rogers – all yes

PGC Associates – consulting services – \$937.50 – Bob Tucker, Chan Rogers – all yes

PGC Associates – plan review – John’s Auto Body, Murphy Insurance, Marian - \$768.75 – Chan Rogers, Bob Tucker – all yes

**7:18 pm – Continuation of the public hearing for Murphy Insurance Agency Site Plan**

Dan Wolfe, David E. Ross Associates  
Dennis and Julie Murphy

Dan Wolfe – When we last met, we discussed the letters from two consultants and some intricate matters. I have gone through both of the letters and made revisions to the plans that were submitted to you. I have also spoken to both Gino Carlucci and Dave D’Amico, and appear to have come to satisfactory conclusions on all issues raised. Also, since we last met we also had our final meeting with the DRC, and we also closed our hearing with ConCom. the commission did ask us to make one revisions to the plan having to do with the location of the hay bale dyke, a little area offsite that needs to be restored. I have brought another full size plan and reductions for you. – VERY MINOR – With the packet of info I submitted to you a week or so ago, it included a letter with our waiver request, and I kept them to a minimum. – letter dated June 17<sup>th</sup> –

Andy Rodenhiser – Has everybody had a chance to read? Any problems with anything? Just a comment to TetraTech Rizzo - it was nice to see how you responded – CLOSED – was very helpful – This is the first major thing you have done for us. that was very helpful – shall we review the waivers? Any issues

Bob Tucker – does TetraTech Rizzo have any open items?

TetraTech Rizzo – None,

Andy Rodenhiser – hay bale issue

Hale bales on the property to the west – Remove the bark mulch and help it go back to its natural state. Move the hay bale dyke closer to the wetlands. ConCom, on sheet #6, they wanted us to eliminate any reference to hay bales. We had put silt fence or hay bales. They don’t like hay bales anymore. They prefer silt fences or mulch tubes.

Andy Rodenhiser - Gino, any issues?

Gino – No.

Bob Tucker – I read with some interest their position on the sidewalk.

Andy Rodenhiser - They would like to construct the sidewalks on their site; Dave D’Amico would like them to not do so.

Karyl Spiller-Walsh – Did you guys come up with a color plan for the building?

Dan Wolfe – It was discussed. The Design Review Committee said at the end it loved the red. We discussed – felt it might be too bold with the building closer to the street in Medway to be red.

Karyl Spiller-Walsh – Please provide a paint chip.

Dan Wolfe – Are you saying you have seen the letter about this?

Chan Rogers – I can see why the sidewalk would benefit them, but I can't see there being a sidewalk westerly to Milford because it is all wetlands. But it could go considerably east. Either way I don't have a problem.

Andy Rodenhiser – 176 feet is their frontage here. With respect to your wetland filing, did it include constructing a sidewalk?

Dan Wolfe – We could probably ask for an amendment. We hadn't broached the sidewalk subject with ConCom.

Bob Tucker – We wouldn't be going down into the wetlands.

Dan Wolfe – It might be that the last 30 feet of the sidewalk would be within 100 feet of wetlands

Chan Rogers – No sense to extend past

Andy Rodenhiser – So make a contribution, and pay into the fund for 75 feet worth.

Dan Wolfe – That is even more of a twist. – TetraTech Rizzo had put together two standards, one with granite curbing and one with concrete. What do you want?

Mr. Murphy – We are hoping the area we are going into is going to fully develop based on our conversations and info we have gained from the town. We are going to have to address the sidewalk one way or another. We really would prefer it to be done in front. It is \$81/foot for granite curbing. What does he want?

Mr. Murphy – We could put the money into escrow.

Andy Rodenhiser – We can work this out and include something in the decision.

Mr. Murphy – One thing I am fearful of, we pay into the fund now but later we would be assessed in the future for a comprehensive sidewalk plan.

Andy Rodenhiser – It could be several years before anything is done. These things take time.

Mr. Murphy – We hope we can act as a catalyst for the area.

Andy Rodenhiser – Are you OK with us working this out with Dave D'Amico, and then we will resolve it. Is the board OK with us to meet with Dave D'Amico?

Mr. Murphy – We are talking about \$16,000.

Acknowledge the memo from the DRC dated June 16 – Karyl Spiller-Walsh highlighted

Acknowledge memo from Dave D’Amico – June 19<sup>th</sup> memo –

Dan Wolfe – The particular LID method Dave D’Amico noted has not been approved by the state. I tried to find a close or similar layout within the new Mass policies, and it does have something similar, but it does not give you credit for infiltration.

Susy – Any more info?

Dan Wolfe - We had talked about the holly being planted, but that was to be in the back. But in the front

Walter Swift – 133 Milford Street – as a landscape designer – Holly will not tolerate that area. There are too many deer down there. It will just be wiped out.

Karyl Spiller-Walsh – Do you have a suggestion?

Dan Wolfe – something to give a little screening –

Walter Swift – Some type of juniper - ADD to decision . . .

Susy – I would like to hear from the board. Granite or concrete?

Karyl Spiller-Walsh – Granite. That is what it will be.

Chan Rogers – Will the state approve granite? But precedent was set in Millis

Karyl Spiller-Walsh - That is what it is in Millis

Karyl Spiller-Walsh – and Summer Street

Chan Rogers –no brainer to prefer granite –

Bob Tucker – Money is the only issue.

Motion to close the public hearing - Chan Rogers, Bob Tucker – all yes . . .

Dennis Murphy – question – Can I just post the higher amount?

Andy Rodenhiser – We will get to it.

Mr. Murphy – I want to get started. Generally, the first of August

Mr. Swift – Does the decision have to be filed with town clerk?

Susy – Yes.

Chan Rogers motion to approve the waivers as specified in the June 17<sup>th</sup> letter from David E. Ross Associates - seconded by Tom Gay –

## DISCUSSION

All OK – on all waivers . . . approved.

Andy Rodenhiser – Maybe we can make a mental note to discuss . . .  
PB Liaisons appointments –

### **Medway Commons completion –**

Andy Rodenhiser – The treasurer has said it is OK in her book to move on and go ahead and sign off on the

Karen Johnson – subcontractor to general contractor – The question is whether Foxboro Transport – there still has not been a good accounting – The good news is that the town has a judgment against Foxboro Transport. We asked for a certificate of completion. You asked me to hold off –

Susy – I would recommend that we move on this.

Motion to authorize a certificate of completion – Chan Rogers, Karyl Spiller-Walsh -

John – The benefit to the applicant is what? What is at stake?

Andy Rodenhiser –

Karen Johnson – internal processes – complete the close out procedures – good due diligence – good internal practice

Bob Tucker – Kind of like getting an occupancy permit on the whole project.

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### **Revisit ANR Plan for 25 Summer Street –**

Andy Rodenhiser –

Paul Kenney's letter of June 18<sup>th</sup> --  
Gino's review letter of June 23<sup>rd</sup> –



Paul Kenney  
Paul Desimone

Paul Kenney – In terms of the rights in the private way – statute does not address – the one deed conveying out lot #3 – there was an acknowledgement in that deed – they cannot deny – court an abutter has an easement of the way which means they have access – that being the case, the abutter does have rights in the way

With respect to the fact that the PB imposed no conditions on the way in 1984, no cert of action, no covenant – It was essentially a 2 lot conditions – The PB imposed no conditions – We have submitted evidence that the way does exist, and a letter from the fire chief that the way is adequate for emergency vehicles. Why the PB in 1984 did not impose any conditions is anyone's guess. It was properly endorsed by the full board and duly recorded. The applciin – the strict guidelines of the statute – The ANR plan meets the requirement. I think going back 25 years is impossible.

Gino – There were rules and regs in place at that time, and no waivers from those were granted. I don't expect the regs allowed for

Paul –

Gino – In the absence of waivers, the rules and regs apply.

Paul – The board at that time, the board waived the regs by endorsing the plan.

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Andy Rodenhiser – under the current language, where are the actual areas where it can be allowed – where are we vulnerable?

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Board endorses plans . . .

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### Committee Reports

DRC – having lots of good discussions – we had a sign application for Dr. Cached – we have been discussing GREEN stuff in design –

Bob Tucker – no reports

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Dover, Sherborn, Hopkinton, Medway, Millis, Bellingham, Franklin, Milford,

Other reports??

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Bob Tucker has to depart – 9:30 p.m. –

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### Presentation on proposed 43D regs

Gino – this is not just PB regs – this would apply to all the boards that are covered by the expedited permitting state law (and perhaps some additional ones that would make sense to bring in) – all of the boards need to adopt these rules to be in effect . . .

The basis for this its the existing site plan rules and regs and then I made some changes to accommodate 43D and added in info to accommodate CONCOM info and BOH –

Andy Rodenhiser – when a priority dev site application is triggered – where we talk about

Andy Rodenhiser – should we generally adopt this and then go around and meet with all the boards, and then revise . . .

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General consensus to not proceed . . .

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Motion to authorize the release of all units at Pine Ridge – Karyl Spiller-Walsh, Chan Rogers – all yes . . .

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Chan Rogers – MAPC asked why having the discussion – they are illegal, and why can't the PB do it

Extra meeting on July 15<sup>th</sup> – 7 pm – sandwiches - . . .

Motion to adjourn – Karyl Spiller-Walsh, Tom Gay – all yes 10:50 p.m.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

June 24, 2008

PRESENT: Andy, Chan, Bob, Tom, karyl

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant

Call to order at 7:05 p.m.

Citizen Comments – None

Fisher Woods Subdivision /Shady Lane - Discussion on Request for Bond Release

Mike Curatola –

Andy – covenant? Usually there is

Mike – it was a private way; always meant to be – I don't recall if there was a covenant, it's been a long time

Ken bach, 2 shady lane – been there since the house was built in 1987 –

Andy – any questions

Chan – what was in your mind when you did a private way development?

Mike – I think the town wouldn't allow it to be a public way because of the steep grade – I think that was the reason why – it was actually the town that wanted that.

Chan – I can't understand why anybody would want a private way

Ken – we do want it to be a public way and we would be delighted if the town were to accept it

Bob – susy,

Mike – there was a larger amount – they gave us most of the balalnce back – they kept back some money – catch basin on the left hand side – it is my recollection is that we had it repaired and town came by and said it was fine – there might have been one other issue I don't recall – I think Jim Brodeur was on the PB then – he came out and said it was fine – I completely forgot about the money – until I saw a print out from my bank

Andy – have you driven up there at all – it is not in pristine shape – 20 years

Bob – what were they holding the bond for??

Karyl – was there any written communication ?

Mike – I threw all that stuff away about a 1.5 year ago –

Tom – what is the status of the road shown as abandoned

Andy – who owns the road? Did

Ken bach – right of way is split 50-50 with abutters

Moiton b bob – to releasw the bond – seconded by chan - all yes –

Susy – agree to cut two checks – one to mike curatola and one to joe Griffiths . . .

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Pay bills

Norfolk county registry of deeds - \$100 – bob, chan – all yes

PGC Associates – 43D expedited permitting – \$1040 – funded by grant money – chan, bob – all yes

PGC Associates - \$37.50 – construction inspection account – motion by chan, bob – all yes

Gary Jacob – LID conference registration - \$85 – karyl, chan – all yes

Wb mason – office supplies – 128.02 – bob, chan – all yes

TTR – Murphy Insurance 2515.78 – clients – kayrl, chan – all yes

PGC – consulting services – 937.50 – bob, chan – all yes

PGC – plan review – john's auto body, Murphy, marian - \$768.75 – chan, bob – all yes

7:18 pm – Continuation of the public hearing for Murphy Insurance Agency site Plan

Dan Wolfe, David E. Ross Associates

Dennis and Julie Murphy

Dan – when we last met, we discussed the letters from two consultants and some intridut matters – I have gone thru both of the letters and made revisions to the plans that were submitted to you – I have also spoken to both gino and dave and appear to have come to satisfactory conclusions on all issues raised – also since we last met – we also had our final meeting with the DRC – and we also closed our hearing with concom – the commission did as us to make one revisions to the plan having to do with the locationof



the haybale dyke – a little area offsite that needs to be restored – I have brought another full size plan and reductions for you – VERY MINOR – with the packet of info I submitted to you a week or so ago, it included a letter with our waiver request and I kept them to a minimum – letter dated June 17<sup>th</sup> –

Andy – has everybody had a chance to read? Any problems with anything? Just a comment to TTR – it was nice to see how you responded – CLOSED – was very helpful – this is the first major thing you have done for us – that was very helpful – shall we review the waivers? Any issues

Bob – does TTR have any open items?

TTR – none,

Andy – hay bale issue

Hale bales on the property to the west – remove bark mulch and help it go back to its natural state – move haybale dyke closer to the wetlands – conglom – on sheet #6 – they wanted us to eliminate any reference to haybales – we had put silt fence or haybales – they don't like haybales anymore – they prefer silt fences or mulch tubes –

Andy - gino, any issues?

Gino –no

Bob – I read with some interest their position on the sidewalk

Andy – they would like to construct the sidewalks on their site; dave d would like them to not do so –

Karyl – did you guys come up with a color plan for the building?

Dan – it was discussed – drc said at the end, it loved the red – we discussed – felt it might be too bold with the building closer to the street in medway to be red . . .

Karyl – please provide a paint chip

Dan – are you saying you have seen the letter about this?

Chan – I can see why the sidewalk would benefit them . but I can't see there being a sidewalk westerly to milford because it is all wetlands – but it could go considerably east – either way I don't have a problem

Andy – 176 feet is their frontage here – with respect to your wetland filing – did it include constructing a sidewalk?

Dan – we could probably ask for an amendment – we hadn't broached the sidewalk subject with concom –

Bob – we wouldn't be going down into the wetlands . .

Dan – it might be that the last 30 feet of the sidewalk would be within 100 feet of wetlands

Chan – no sense to extend past

Andy – so make a contribution and pay into the fund for 75 feet worth

Dan – that is even more of a twist – TTR had put together two standards – one with granite curbing and one with concrete – what do you want?

Mr. Murphy – we are hoping the area we are going into is going to fully develop based on our conversations and info we have gained from the town – we are going to have to address the sidewalk one way or another – we really would prefer it to be done in front - \$81/foot for granite curbing – what does he want?

Mr. Murphy – we could put the money into escrow –

Andy – we can work this out and include something in the decision –

Mr. Murphy – one thing I am fearful of, we pay into the fund now but later we would be assessed in the future for a comprehensive sidewalk plan –

Andy – it could be several years before anything is done – these things take time . . .

Mr. Murphy – we hope we can act as a catalyst for the area . . .

Andy – are you OK with us working this out with Dave D'Amico and then we will resolve it . . . is the board OK with us to meet with Dave

Mr. Murphy – we are talking about \$16,000 –

Acknowledge the memo from the DRC dated June 16 – Karyl highlighted

Acknowledge memo from Dave D'Amico – June 19<sup>th</sup> memo –

Dan – the particular LID method Dave noted has not been approved by the state . . . I tried to find a close or similar layout within the new Mass policies and it does have something similar but it does not give you credit for infiltration . .

Susy – any more info?

Dan - we had talked about the holly being planted, but that was to be in the back but in the front

Walter Swift – 133 Milford Street – as a landscape designer – holly will not tolerate that area – too many deer down there – it will just be wiped out –

Karyl – do you have a suggestion?

Dan – something to give a little screening –

Walter – some type of juniper - ADD to decision . . .

Susy – I would like to hear from the board – granite or concrete

Karyl – granite, that is what it will be

Chan – will the state approve granite? But precedent was set in millis

Karyl - that is what it is in Millis . . .

Karyl – and summer street

Chan –no brainer to prefer granite –

Bob – money is the only issue . . .

Motion to close the public hearing - chan, bob – all yes . . .

Dennis Murphy – question – can I just post the higher amount?

Andy – we will get to it

Mr Murphy – I want to get started – generally the first of august

Mr. swift – does decision have to be filed with town clerk

Susy – yes

Chan motion to approve the waivers as specified in the June 17<sup>th</sup> letter from David E. Ross Associates - seconded by Tom –

DISCUSSION

All OK – on all waivers . . . approved

Andy – maybe we can make a mental note to discuss . . .

PB LIAISONS appointments –

Medway Commons completion –

Andy – treasurer has said it is OK in her book to move on and go ahead and sign off on the

Karen Johnson – subcontractor to general contractor – question is whether foxborough transport – there still has not been a good accounting – the good news is that the town has a judgment against foxborough – we asked for a certificate of completion – you asked me to hold off –

Sisu – would recommend that we move on this . . .

Motion to authorize a certificate of completion – chan, kayrl -

John – benefit to the applicant is what? What is at stake?

Andy –

Karen – internal processes – complete the close out procedures – good due diligence – good internal practice

Bob – kind of like getting an occupancy permit on the whole project

-----

Revisit ANR Plan for 25 Summer Street –

Andy –

Paul Kenney's letter of June 18<sup>th</sup> . .  
Gino's review letter of June 23<sup>rd</sup> –

Paul Kenney  
Paul Desimone

Paul Dnney – in terms of the rights in the private way – statute does not address – the one deed conveying out lot#3 – there was an acknowledgement in that deed – they cannot deny – court an abutter has an easement of the way which means they have access – that being the case, the abutter does have rights in the way

With respect to the fact that the PB imposed no conditions on the way in 1984, no cert of action, no covenant – it was essentially a 2 lot condonement – the PB imposed no conditions – we have submitted evidence that the way does exist and a letter from the fire chief that

the way is adequate for emergency vehicles – why the PB in 1984 did not impose any conditions is anyone's guess – it was properly endorsed by the full board and duly recorded – the application – the strict guidelines of the statute – the annex plan meets the requirement – I think going back 25 years is impossible

Gino – there were rules and regs in place at that time and no waivers from those were granted – I don't expect the regs allowed for

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Motion to authorize the release of all units at Pine Ridge – karyl, chan – all yes . . .

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Chan – MAPC asked why having the discussion – they are illegal, and why can't the PB do it

Extra meeting on July 15<sup>th</sup> – 7 pm – sandwiches - . . .

Motion to adjourn – karyl, tom – all yes 10:50 p.m.

## **Medway Planning Board Meeting July 8, 2008**

PRESENT: Bob Tucker, Karyl Spiller-Walsh, Chan Rogers, Tom Gay  
ABSENT WITH NOTICE: Andy Rodenhiser

DESIGN REVIEW COMMITTEE PRESENT: Gary Jacob, Matt Buckley, Mickee Whitney, Gwen Hendry

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant

Open the meeting at 7:03 pm

Bob Tucker – it would be nice for the Planning Board and the Design Review Committee to exchange minutes

### **BILLS**

PGC Associates - \$206.25 – Karyl Spiller-Walsh, Chan Rogers – all yes

PGC Associates - \$ 699 – Karyl Spiller-Walsh, Chan Rogers – all yes

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Bob Tucker – Andy Rodenhiser cannot attend tonight – personal issues to deal with . . .

Bob Tucker – Joint meeting with the Design Review Committee – always a pleasure

Bob Tucker – introductions all around . . .

Bob Tucker – a couple of discussion items . . . guidelines for corporate sponsorship signs to get over this hurdle

Gary Jacob – One way we might get started on it – if we want to do it – phased approach – start out with really small signs – traditionally – cul de sacs and landscaped islands – sponsorship – I don't think most people mind that – get labor donated – you could have an official policy

Bob Tucker – outfield fence for baseball programs – take a look at the typical sizes of the banners – making them temporary things – they -

Mickee Whitney – They have to be large enough for an adult to see from behind home plate.

Gary Jacob – time duration issue – GATRA – How long would the support acknowledgement be up for . . . key criteria - . . . . one of the baseball issues there – is who is controlling it? Town property –

Mickee Whitney – banners that were hung on the fence? It used to be . . . is it fixed signs

Tom Gay – Another thing to consider is where they are. – traffic island – smaller sign who did the work and who is maintaining it – At a baseball park those things aren't as offensive as they are on a public street. Take careful consideration where those things end up. - as opposed to a general statement –

Gary Jacob – not just that it is sports – some sort of clause that if anything is determined to be illegal then they all have to come down – reserve final rights to some board . . . consistent . . .

Karyl Spiller-Walsh – We at Design Review Committee had laborious conversations about whether we should even consider corporate sponsorship of public signs, and that is not a slam dunk yet. – That is something we talked all about. The second thing we had concern is about placement. That is very site sensitive – location is driven by the businesses – we have come up with a lot of observations, comments, sizes – Matt Buckley has some formulas – basic question is whether we should accept –

Bob Tucker – Part of the decision needs to involve that organization who has the facility –

Mickee Whitney – Principal of the school? School committee?

Bob Tucker – I would go to the school committee first.

Mickee Whitney – If you allow it at the schools but not anywhere else – that is

Bob Tucker – But the school committee - parks board would

Mickee Whitney – There needed to be a town wide formula – and then additional approval of the respective location

Bob Tucker – I look at us as being the starters of an overall guideline – subject to approval of

Tom Gay – There could be consistent rules for size, colors, text

Karyl Spiller-Walsh – A good place might be to talk about that at the SWAP meeting.

Bob Tucker – not just a business wanting to put up a sign – They are also investing in the various programs.

Tom Gay – that is one of the keys – as opposed to just put up a sign for advertising they are giving their support to an activity or a project –

Gary Jacob – One other area you might want to look at would be memorials. – one of the reasons we reacted so strongly on the GATRA sign – thinking back to the Coakley building – Holliston brick program I think they raised 100,000

Karyl Spiller-Walsh – like plaques

Gary Jacob – Washington D.C., huge bronze sidewalk plaques. . different category for things in memoriam –

Another thing occurred to me. . Would we limit who can advertise to just town residents or businesses?

Matt Buckley – There are signs. . Let individual departments decide how to handle – some of the different signs at town that were just put up – things that weren't discussed – have the decision making be tied to the specific

Dan Hooper – the police station sign – Not to say they don't have a right to sign – The process they went thru was none – Most people who live in this town – that is another village area, to put up a vinyl internally lit sign was a shocker and a same - There needs to be some

Mickee Whitney – Moveable letters are reserved for non-profits

Gary Jacob – You could still have the Design Review Committee or the TA final decision on approval - . . .How would you do the equivalent for soccer fields where they don't have fences? Just because the parks department said it was okay doesn't

Bob Tucker – The department that controls the land or the building

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Do this again in 6 months – January –

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### **ANR Plan for 26/28 Field Road**

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Shed is 8 x 10

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Chan Rogers – motion to endorse, - Karyl Spiller-Walsh – all yes . . .

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### **Site Plan decision – for Murphy Insurance**

Bob Tucker – There is one part under specific conditions . . on the sidewalks –

Tom Gay – I would rather wait until it is all

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**Site completion for Medway Commons**

Planning Board signed document.

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No committee reports –

Tom Gay and Chan Rogers

Motion to adjourn – 9:02 pm

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

July 8, 2008

PRESENT: Bob Tucker, Karyl Spiller-Walsh, Chan Rogers, Tom Gay  
Andy Rodenhiser – absent with notice

DRC PRESENT: Gary Jacob, Matt Buckley, Mickee Whitney, Gwen Hendry

ALSO PRESENT: Susy Affleck-Childs

Open the meeting at 7:03 pm

Bob Tucker – it would be nice for the PB and the DRC to exchange minutes

## **BILLS**

PGC Associates - \$206.25 – Karyl, Chan – all yes

PGC Associates - \$ 699 – Karyl, Chan – all yes

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Bob – Andy cannot attend tonight – personal issues to deal with . . .

Bob – joint meeting with the DRC – always a pleasure

Bob – introductions all around . . .

Bob – a couple of discussion items . . . guidelines for corporate sponsorship signs to get over this hurdle

Gary – one way we might get started on it – if we want to do it – phased approach – start out with really small signs – traditionally – cul de sacs and landscaped islands – sponsorship – I don't think most people mind that – get labor donated – you could have an official policy

Bob – outfield fence for baseball programs – take a look at the typical sizes of the banners – making them temporary things – they -

Mickee – they have to be large enough for an adult to see from behind home plate

Gary – time duration issue – GATRA – how long would the support acknowledgement be up for . . . key criteria - . . . . one of the baseball issues there – is who is controlling it? Town property –

Mickee – banners that were hung on the fence? It used to be . . . is it fixed signs

Tom gay – another thing to consider is where they are – traffic island – smaller sign who did the work and who is maintaining it – at a baseball park those things aren't as offensive as they are on a public street – take careful consideration where those things end up as opposed to a general statement –

Gary – not just that it is sports – some sort of clause that if anything is determined to be illegal then they all have to come down – reserve final rights to some board . . . consistent . . .

Karyl – we at DRC had laborious conversations about whether we should even consider corporate sponsorship of public signs and that is not a slam dunk yet – that is something we talked all about. . the second thing we had concern is about placement – that is very site sensitive – location is driven by the businesses – we have come up with a lot of observations, comments, sizes – Matt has some formulas – basic question is whether we should accept –

Bob – part of the decision needs to involve that organization who has the facility –

Mickee – principal of the school, school committee?

Bob – I would go to the school committee first –

Mickee – if you allow it at the schools but not anywhere else – that is

Bob – but the school committee - parks board would

Mickee – there needed to be a town wide formula – and then additional approval of the respective location

Bob – I look at us as being the starters of an overall guideline – subject to approval of

Tom – there could be consistent rules for size, colors, text

Karyl – a good place might be to talk about that at the SWAP meeting –

Bob – not just a business wanting to put up a sign – they are also investing in the various programs

Tom – that is one of the keys – as opposed to just put up a sign for advertising they are giving their support to an activity or a project –

Gary – one other area you might want to look at – would be memorials – one of the reason we reacted so strongly on the GATRA sign – thinking back to the Coakley building – Holliston brick program I think they raised 100,000

Karyl – like plaques

Gary – Washington D.C., huge bronze sidewalk plaques. . different category for things in memoriam –

Another thing occurred to me. . Would we limit who can advertise to just town residents or businesses?

Matt Buckley – there are signs. . let individual departments decide how to handle – some of the different signs at town that were just put up – things that weren't discussed – have the decision making be tied to the specific

Dan hooper – the police station sign – not to say they don't have a right to sign – the process they went thru was none – most people who live in this town – that is another village area, to put up a vinyl internally lit sign was a shocker and a same - there needs to be some

Mickee – moveable letters are reserved for non-profits

Gary – you could still have the DRC or the TA final decision on approval - . . .how would you do the equivalent for soccer fields where they don't have fences – just because the parks department said it was Ok doesn't

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Tom and Chan

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## **July 22, 2008**

### **Medway Planning Board & Economic Development Board Meeting**

PRESENT: Bob Tucker, Karyl Spiller-Walsh, Andy Rodenhiser, Chan Rogers, John Williams, Tom Gay

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant  
Gino Carlucci, PGC Associates  
Open Space Committee Members – John Schroeder, Jim Wickis, Dawn Rice Norton, Glenn Murphy, Pat McHallam, Tina Wright

Meeting was called to order at 7:07 pm.

### **Joint session with Open Space Committee**

Andy Rodenhiser – Let's have all the Open Space Committee members introduce themselves.

John Schroeder – I chairman of committee, formerly of the PB, resident for 15 years, 2 teen age children, anxious to take advantage of economic situations now and work toward preserving and protecting undeveloped land and open space in Medway

Jim Wickis – resident since 1974, live on West Street; former scout leader in town, have not been on any board or committee until now; retired; I volunteer with New England Wildflower Society; psychologist by profession

Glenn Murphy – 12 Kimberly drive, 7 years, formerly of Natick; one daughter; joined this committee in part because I also serve on ConCom and can serve a liaison function; attorney

Pat McHallam– 5 years, Philips St., 2 children; I have been working in GIS industry in software development for a number of years, hoping to use those skills to help out – where is the open space and what can we do it;

Dawn Rice Norton – lived in Medway for quite a few years; grew up and went to school here – I remember Medway when traffic was stopped for cows to cross the street – my interest is to help preserve what is available and make sure that when development does occur, it is coordinated – I enjoy open space – my work is as a physical therapist – I also serve on the school committee

John Schroeder –Bruce Hamblin who is our vice chair is also on the committee; he is a retired town planner

Tina Wright – I have lived here forever, employee benefits specialist; believe in open space; member of various land conservation groups

John Schroeder - Karyl Spiller-Walsh is PB liaison to the OSC – we communicate a lot . . .

John Schroeder made a presentation - Handouts

1. bylaw that created the OS Committee – that is the starting point – we reviewed it before it went to town meeting and we are OK with it . . .
2. one page document with mission statement and goals – we want town/residents to really be aware of open space importance
3. one page fiscal year 09 goals and objectives

Andy Rodenhiser – any priority?

John Schroeder – I feel a sense of urgency because of the real estate market right now – this market creates opportunities; we are not against development; we want to encourage compact development – we would like to work with the PB primarily to encourage compact development and on key parcels in town to retain – we want to advocate for open space preservation

Andy Rodenhiser – will the open space plan identify those, etc. so we will have the tools needed as plans come in – maybe even look at some zoning bylaw changes that may be needed

John Schroeder – the open space and recreation plan is a very wordy document; we want to put the new plan on a map and see the pieces – there is a corridor running up the center of Medway – it is being stewarding very well by the current owners – but we want to put that info out for everybody – web site, walls in city hall, etc.

Andy Rodenhiser – as part of developing the culture we need to communicate out to the community the need to preserve that corridor or buy development rights – is that going to be part of what you are going to do?

John Schroeder – there might be something as simple as promoting farmers and what products can be acquired

Tina Wright– we have developed a ranking system in terms of how to value various parcels – now that we have a map, outreach - what are the right pieces and keep open communications – we need to answer the question - WHY IS THIS a good piece of land to acquire?. our goal for 2009 is to complete the evaluation/analysis of all the parcels

John Schroeder – I believe you have a handout of our fiscal year 2009 objectives – I would like to go thru these

### **Complete map of undeveloped land with water features –**

Pat McHallam – one of the things I have done is to get some data that is available, the bulk of which is available thru MassGIS from which you can produce maps or download data – and then I did get some data from the assessors office – we wanted to show a map that gave us some indication as to where the open space in the town is and some of the features that relate to our goals, especially the water features – there are a lot more layers that are available, I find it is difficult to limit it –there are so many layers out there – what is already designated? Designed to initiate some analysis – add in some – protected open space is shown –

John Schroeder – I prefer to use the words “undeveloped land” which has no protection – it may be owned by a farmer

Pat McHallam – this is an analysis tool, we will start digging into the details – also looks at these parcels in terms of their further potential for trails . . .

John Schroeder – the Assessors office has been nothing but cooperative in this work – we just went down there and they have been very helpful

**Priority Ranking System** – we want to be very consistent and objective when we look at open space parcels – we want to rate them – we came up with a ranking system –

Jim Wickis – there are many parcels of land that are undeveloped - how do begin to determine which ones would be good for meeting open space needs for Medway – we wanted to develop a set of criteria to judge parcels as to their relative worth for open space – criteria that we could use to explain to PB and Medway residents how we came to a decision on which parcels to pursue - we think we are off to a good start – tried to cover useful criteria – you can see that it is fairly comprehensive – we will judge parcels with this tool and come to you later with recommendations on certain parcels of land

Andy Rodenhiser – nice job – takes away the subjective nature of public perceptions might be of how we go about acquiring land

John Schroeder – I would like to point out a connection – a lot of the info on here comes from directly from the CONCOM – there is no sense in duplicating efforts – when we need to find out if a piece of land has certain features, we will need CONCOM’s help

Glenn Murphy – with 50 Winthrop street, there is a brook in the back and a certified vernal pool. Concom would have to be involved to determine setbacks for the farm project

John Schroeder – We now have a list of individual parcels of 5 acres or greater that are undeveloped – Kristen Domurad (PB intern) put this list together – we are not shy about taking advantage of resources – we now have a listing of all the parcels – I don’t think it is appropriate to put the names on the list at this point – we have the names of the owners so we can get in touch with them once we determine how

Bob Tucker – when do you expect to do the property evaluation?

John Schroeder – the key 5-10 acre parcels, we will have communicated with them in some way – establish a relationship and so they know we are here - some of that has already happened; try to get to know what their interests are – one land owner is acting as an unpaid consultant to the open space committee, but wants to be involved – he has been extremely helpful in getting info -

## **Open Space Walks**

John Schroeder – next thing we want to do – we have parcels that are already protected as open space whoever did it . . . we don’t know those parcels very well – we want to walk those pieces

of land and to get to know them – Jim Wickis took me on a little stroll – he identified every species of plant and animal

Jim Wickis – we went up to Idlebrook – what is there and what is the current condition? Promote the concept of stewardship of open space – we looked at the recreation parts, the wetlands there, we even saw a chestnut grove – (cared for by Gary Jacob) – We want to do that with all the open space properties in town to monitor them – who takes care of them?

Karyl Spiller-Walsh – I bet Gary Jacob would be willing to be helpful to you

John Schroeder – I wonder how many people know what Gary is doing up there with the chestnut tree grove!! Maybe we can help communicate that to people – folks can walk up there to see it

Susy Affleck-Childs – we should credit the Open Space Committee of the mid 90's - those folks were instrumental in completing the open space plan and securing funds for the Idlebrook fields

John Schroeder – Jim Wickis had talked about picking a different parcel each week and walking it – maybe we can put some info on our web site

Andy Rodenhiser – that gives some verbiage to a parcel number, - description, etc.

### **Open Space and Recreation Plan**

John Schroeder – I am going to ask Gino Carlucci to speak on that – this is the official plan that we have to provide to the state to be on record and be eligible for any grants and for consideration as a legitimate open space concerned community - the Medway CPC has voted and agreed to fund the updating of the 1996 Open Space Plan – we voted to hire PGC to complete the plan using CPA \$ - it is budgeted thru CPA funds -

Gino Carlucci – OSC has a goal of having a draft of the plan done by August 22 – then we will need time for comments from PB, BOS and MAPC (required) – also ask for input from CONCOM, ZBA, BOH – open space and rec plan is a state required plan that needs to be completed to be eligible for grants – they are very specific for how you prepare the plan - almost a formula – very specific detailed instructions on what is to be included – plan summary, introduction section, community setting, history section, population characteristics, and then a section on growth and development patterns, environmental inventory and analysis, inventory of lands of conservation and recreation interest (protected, 61A, recreation facilities, undeveloped property); community vision/goals;

The public forum would occur after the first draft of the plan –

Andy Rodenhiser – timeframe for submission to the state?? October??

Gino Carlucci – We will need to do a public forum to solicit citizen input. We could schedule the forum in September

John Schroeder – it is my understanding that we can turn in a draft to the state and be eligible for grants

Andy Rodenhiser – are there grants available for purchase of development rights?

Gino Carlucci – there is a program for acquiring land and another one for constructing recreation facilities – those would come up again next year to apply for

Gino Carlucci – we also need to complete a needs analysis (community, resource and management); specific open space goals and objectives – we have done a little work on that – needs more input from the committee – I will give them a draft – finally there is a 5 year action plan which is the recommendation of actions to take, who will be responsible, etc. (includes other boards)

John Schroeder – don't they consider this as an update vs. a whole new plan?

Gino Carlucci – yes, but they are specific on which sections need to be updated

Tom Gay – I would like to work with Pat McHallam on some GIS ideas for the Town . . we might be able to bring in some various software vendors -

Pat McHallam – sure . . .

John Williams – I get a sense that open space is very important to towns people – do you have any feedback from the master plan committee on the survey?

John Schroeder – I have seen the raw data, it looked to me like it was important – Jim Wickis is on the master plan committee – they are still looking at rough data

Jim Wickis – the data is what it is – you can look at it – generally citizens indicated that open space is of high importance – most people ranked it 4 – conversely on the satisfaction side of it, people generally are less satisfied with it so there is work to be done – more, better managed, higher quality

John Williams – do we have a sense of where we are compared to other towns?

Jim Wickis – of all the towns around here, Medway has just about the lowest percentage of “protected” land

Gino Carlucci – I don't have the full results of the survey, but I was looking at some of it in the last few days – open space ranks pretty high in terms of importance but road repair and sidewalks ranked higher – satisfaction side is fairly low regarding the amount of open space, rec programs, choate park, small town character . . . we have high importance and low satisfaction

Tina Wright – maybe we need to look at developing property differently, people get value for the land and then we still get to protect open space portion – goal to develop a more collaborative effort



Tom Gay – people ask why is the town pursuing a certain parcel for open space? How to explain?

John Schroeder – if somebody asked me why that piece of land (50 Winthrop St) – it was difficult to answer then – if somebody asks us now, we can give them a rating – we have a tool to do that – we can go to them with a solid consistent approach as to why a certain piece of land is important and how it would be accessed

### **Open Space Committee Web Site**

John Schroeder - we now have a web site – it gets updated, it has pictures of wildlife on Medway; there is a tool now to communicate with the community –

Pat McHallam – the task is to complete the update – it is really an on-going effort – I set up a structure within the town's web page format – we put a little work into that – we are developing the content and the web site will be our primary way to communicate to the town – we set up a photo album to the town – we have links so people can send us photos – we can put up trail maps – so it is there and hopefully people will look at –

Karyl Spiller-Walsh – my husband has a bunch of photos – I should ask him to pull them up and give them to you - even if you have some assignments for him, he would love it – give him a priority list – he has a good eye –

Susy Affleck-Childs – We need to pull the Open Space Committee out from under the PB on the web page . . . there needs to be some advocacy to be out there on your own (also DRC and Master Plan Committee). This is a policy issue . . .

Karyl Spiller-Walsh – on that list of what Gino Carlucci had from the state – I am concerned about the characteristics of land - it is very important that town residents understand that open spaces do not need to have jobs, they can exist purely as open space, and be aesthetically light – they don't have to be active recreational – and they don't necessarily have to have trails – but everybody should have access – just magnificent pieces of land – divine . . .

### **Open Space Amazing Race**

Tina Wright – part of the reason people rank open space so low in terms of satisfaction is perhaps that people don't know much about it – look at the existing open space we have in town – meet with PB, BOS – parks, friends of choate park, all sports groups – highlighting the different open spaces – also historical society as part of it – great way to have a town thing – advocate for open space – promote, and get participation – as part of that – we want to have teams, etc. – help people see what it means to town – people need to know what we have and where are we going – creating the culture – Dawn is going to be the creative writer – like a scavenger hunt - you will be amazed at the open space we will find - spring 2009

Also, we want to do a quarterly newsletter – hopefully out in September – it will involve a lot of coordination

John Schroeder – goal is spring of 2009 - maybe connect to Medway pride day

## **Presentations to other Boards/Committees**

John Schroeder – we want to open the door for communication – that is what we are doing tonight here with you - the BOS is next; I want to meet with them as soon as possible.

Andy Rodenhiser – the movement of the web site – is it possible we can do that before you start meeting with other boards?

John Schroeder – I want to get on the next BOS agenda and brief them. I don't want to wait . . . we will meet with the boards, give them a packet, and let them know we are going to be working with ConCom on what these parcels have – we need that info to evaluate – Susy gives me the agendas for your meetings – you will see us before you and other boards speaking at the public hearings on various proposals

Susy Affleck-Childs – I encourage you to get in touch with the Parks Commissioners sooner than later to reach out to them . . . they need to have some sense of ownership in the open space and recreation plan -

Karyl Spiller-Walsh – I would like to see some sort of discussion between PB and OSC about small collections – about small parcels of open space that are considered – maybe we need to talk more about them – how would you like to see them - naturalized, landscaped – is that considered open space?

Andy Rodenhiser – for example, the little park area at route 109 and west street

John Schroeder – if left alone it could be unpleasant –

Karyl Spiller-Walsh – it needs its own type of category – how do we want them to be – not just a leftover chunk -

John Schroeder – maybe we could do an adopt a parcel thing – for little areas where the town doesn't have the money to maintain – have neighbors or business get involved

Andy Rodenhiser – neighborhood associations would be a good thing to do this . . .

Karyl Spiller-Walsh - little areas, green spaces provide a breather . . .

Tom Gay – re: smaller spaces – I think as you develop more information – look at adjacent other lots that are smaller, even down to small parcels that cannot be used for anything else – on my side of Choate Pond near Maple Street, there are a whole series of little parcels – I would not stop by searching only for the big stuff.

John Schroeder – we had to start the search somewhere – as we mark the parcels off, the pieces in between will stand out

Tom Gay – especially when they line a waterway

Karyl Spiller-Walsh – the little piece next to Mechanic Street near the whole food store - perfect spot

John Schroeder – if we get the culture going, people will start to call in and the thing starts to build on it

Chan Rogers – have you researched whether the state has programs to fund open space acquisition –

John Schroeder – yes we have done some research –

Gino Carlucci – The state programs are now called Land and Park

Chan Rogers – You and your committee should be commended – you have done a fantastic effort in less than a year – also . . . whether you realize it or not you have formed your own coalition

John Schroeder – thank you – one of the things I ran into in making phone calls – I spoke with one of the big Trustees organizations – I learned they were doing work with all the surrounding towns, they didn't have anyone to really contact here in Medway town – our next meeting, one of those groups will attend.

John Schroeder – I would like to say thank you so much to the town of Medway for participating in CPA – we have tools – other towns don't have access to any money – they are borrowing against the future stream of CPA money to protect open space – this Town voted early on and has continued to do so – we are a contender as a town – these organizations say this town has some tools –

Tina Wright - List of contacts – develop relationships with outreach – people will start to hear about and from the open space committee

John Schroeder – Susy has the 4 megabyte file of the open space map.

Karyl Spiller-Walsh – we should have that map up on the wall up here –

NOTE - Pat McHallam and Tom Gay will work together to produce some maps . . .

### **Revisions to ARCPUD and OSRD**

John Schroeder – we will monitor these applications as they come before you

Susy Affleck-Childs – Would you be willing to assist us with – help with brainstorming – when we learn about a prospective developer – send them to OSC to discuss which land to preserve –

John Schroeder – YES

Karyl Spiller-Walsh – we are really going to need advocacy for open space, especially with the new affordable housing bylaw that is going to push for more density . . . what do you want in the open space areas – OS is going to butt heads with AH

Susy Affleck-Childs – I also think you should carve out a roll for yourself with 61A properties – to assist the Town in evaluating sites when they come up for consideration – work out something with the BOS – they haven't had an OSC for several years to use as a resource

John Schroeder – maybe we can be a resource to some of the property owners to envision OSRD possibilities . . .

Session between OSC and PB ended. Thanks to all

### **Pre-application Meeting – Possible OSRD for 88 Lovering Street**

Susy Affleck-Childs – The applicant (the Koudinyas) decided to hold off and look at their site some more – it is a 2 acre site with many easements. In the ARII zone. Question about whether the open space has to be on a separate parcel. I told them yes.

### **Franklin Creek Subdivision Plan Revision**

Susy Affleck-Childs – We have a request for a minor revision regarding the rooftop infiltration units. They want to change the particular model to something smaller. I asked Dave Pellegrini at Tetra Tech Rizzo to look at it. Dave has asked their engineer for some calcs to make sure the stormwater numbers are OK before he gives you a recommendation. So that will be before you at the next meeting.

John William – seems like a lot of bother to make a change – is there money to pay Dave?

Susy Affleck-Childs – Yes, from their construction inspection account . . .

### **Committee Reports/Updates**

Chan Rogers – Route 109 stuff; the letter Andy wrote was fantastic and it is one of about 10 letters that Paul Yorkis was able to generate to send to the Senate and House joint committee from other town officials, local businesses, and SWAP – to try to get an earmark for design funds for route 109 – there is going to be a briefing at the BOS meeting next from David Geogrande of Design Consultants

Tom Gay – we were talking about the Design Review and look at local people - there is an architect on Phillips Street who is a neighbor of Pat McHallam

Susy Affleck-Childs – I had Kristen go thru the town directory to look for architects for the DRC – we thought we would send a letter.

Tom Gay – I will contact Boston chapter AIA to see about any people in Medway

Chan Rogers – I volunteered to talk with Mark Flaherty to discuss the potential for the new sewer to accommodate new development – he says it is very unlikely that any land that abuts new route would have come on line any sooner – people may hook up but they already have reasonably functioning septic systems

Karyl Spiller-Walsh - something that came up last night at the DRC – we were trying to help an applicant with a sign – it is a 24 hour business – Anytime Fitness (to be located in the Medway Shopping Center) – they will use a key card entry – apparently hours of operation is not called out in Commercial I - at this point, they haven't gotten a permit or gone before the BOS to get permission; Bob Speroni has said that because the zoning bylaw does not address it, we can't restrict it – should we be working on a bylaw to address this? Should we be an advocate of this or encourage some restraint?

John Williams – are there other restrictions in town?

Gino Carlucci – what is that use? It looks to me like it would be a commercial indoor amusement place which needs a special permit – I wonder what Bob Speroni considers this use to be?? It certainly is not a retail use.

Susy Affleck-Childs – I don't know the scope of what licenses the BOS has to review – what types of licenses – grocery stores, liquor stores, etc.

Susy Affleck-Childs – There will be a fall town meeting for 11/10 - articles are due to the BOS/TA by 9/5/08

Karyl Spiller-Walsh – should we put forth something on hours of operation? Should we do something?

Bob Tucker – Susy, can you find out what we do now?

Chan Rogers – Do we get agendas for ZBA meetings?

Susy Affleck-Childs – they do not distribute their agendas electronically – they do post their agendas at the town clerk's office and post them to the town's web site

Tom Gay – I plan to go to their next meeting and introduce myself as the PB liaison – I can mention that it would be helpful to me to get the agendas electronically when I travel so much

Andy Rodenhiser – I met today with Susy Affleck-Childs and Kristen Domurad and some folks from Mass Development re: pre-development technical assistance and grant programs – we are refining the steps and the problematic land mines to doing this – they are going to produce a time line with critical milestones – will get it to us the week of August 11 – they expect to get approval of a scope of services – I am going to get together a meeting of the Oak Grove Task Force and give them an overview – mass development has consultants under contract to help with a master plan, development agreements, rfp, etc. – really focusing on economic development aspect of what we have been charged with for that particular area . .

Chan Rogers – I would like to suggest that we see if the legislature would pass a special bill to take all those properties by eminent domain and relieve us of all that responsibility

Andy Rodenhiser – Mass Development had an attorney who was at the meeting with us – they are going to formalize it and put it into a presentation that we can give to the task force –

**Endorse Site Plan for John's Auto Body, 27 Jayar Road**

Susy Affleck-Childs – They submitted their final site plan ready to be endorsed – I reviewed it based on the conditions in the site plan decision and it looks fine.

A motion was made by Bob Tucker, seconded by Chan Rogers to endorse the site plan for John's Auto Body at 27 Jayar Road. APPROVED unanimously.

The site plan was endorsed

### **Bond Refund – Blueberry Hills Subdivision**

Susy Affleck-Childs – Town meeting accepted Blueberry Hill Road in June. We had agreed to close out the bond account and refund the remaining bond money for Blueberry Hills subdivision. It is \$4,000 plus interest.

### **Other Business**

Andy Rodenhiser – Susy and I had a discussion about minutes – we are all OK with minutes that are in shorthand – they are not perfect, the spelling is not great – as we review minutes, we have said we are OK with style – she feels like she is letting us down or not doing the job up to par, she is afraid somebody will look at minutes 10 years from now and not think well of her – we get the gist of what is being said – I asked her to put together a blanket paragraph - she is going to type up a caveat – due to the workload, these things don't have to be perfect

Tom Gay – some sort of disclaimer . . .

Andy Rodenhiser – we are asking her to do a lot more important things than spend time on meeting minutes

Bob Tucker – I think it is a great idea – I have no issue with that at all -

Chan Rogers – I would be glad to sign any disclaimer

Karyl Spiller-Walsh – I will say that a couple of times when there have been legal issues – there have been times we referred back verbatim to minutes – it was very important – is there any legal issue

Andy Rodenhiser – quality is not an issue –

Andy Rodenhiser – we would still have an opportunity to approve them –

A motion was made by Bob Tucker, seconded by Chan Rogers to adjourn the meeting.

APPROVED unanimously.

The meeting was adjourned at 10 pm.

Respectfully submitted,

*Minutes of the July 22, 2008 Medway Planning Board Meeting*  
*Approved 12-22-2008*

Susan E. Affleck-Childs  
Planning Board Assistant

## **Medway Planning & Economic Development Board Meeting August 5, 2008**

PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, Tom Gay, John Williams,

NOT PRESENT: Karyl Spiller-Walsh

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant  
Barbara Saint Andre, Town Counsel  
Gino Carlucci, PGC Associates  
Jan Fish, FINCOM

Chairman Rodenhiser called the meeting to order at 7:04 pm

**Citizen Comments** – None

A motion was made by Bob Tucker, seconded by Chan Rogers to go into executive session for purposes of discussing pending litigation with the intent to return to regular session.

Tom Gay arrives at 7:06.

### **ROLL CALL VOTE**

Andy Rodenhiser – yes  
Bob Tucker – yes  
Chan Rogers – yes  
Tom Gay - yes

The Board went into executive session.

The Board returned from executive session at 7:22 pm.

### **OTHER BUSINESS**

Andy Rodenhiser - A problem has arisen relative to Blueberry Hill Road. There was \$25,000 received from John Claffey as part of the settlement of the Hartney Acres lawsuit (2004). Barbara Saint Andre went to do the title work and the fee in the road was not reserved. This subdivision goes back to 1985. There is \$5,000 in a bond that is to be refunded to the original developer (John Boczanowski). As a Board we need to decide how to proceed. We need to take care of legal matters.

Bob Tucker – Why does the town need to accept the road at all?

Andy Rodenhiser – In accepting the donation, the intent was to accept the street.

Susy Affleck-Childs – It was customary in 1985 to not reserve the fee in the road by the developer. I would expect that 90% of the roads in Medway have not been conveyed properly.

Barbara Saint Andre – He doesn't own the street.



A motion was made by Chan Rogers, seconded by Bob Tucker to rescind release of the bond.  
**APPROVED**

Andy Rodenhiser – We will contact the developer’s representative (Paul Yorkis) about this.

### **Discussion on Proposed Zoning Bylaw Amendment Ideas**

The board had a free flowing discussion of various ideas.

#### 1. Mitigation proposals

John Williams – Should we have to do waivers at all?

Bob Tucker – How do we define excessively burdensome?

It was agreed to add similar language to the ARCPUD and OSRD sections of the zoning bylaw re: mitigation.

#### 2. Commercial VI to Commercial I

#### 3. Contractor’s Yards

We tried to go at this before.

Look at transformations we have had. A dairy farm that is now a landscaping business (in ARI) zone.

What constitutes agricultural/farm vs. what is a true contractor’s yard?

Chan Rogers - Isn’t this really an enforcement issue? These aren’t allowed now. .

Andy Rodenhiser – Do we want to be a more aggressive complainer on zoning enforcement issues?

Tom Gay – Is one of our goals to go around town and compile a list of non-conforming activities?

There are some junkyards around town – there are swimming pools.

Chan Rogers – I think we need to go to ZBA meetings and monitoring the ZBA meetings.

Andy Rodenhiser – Are we going to become the community’s mouthpiece for zoning enforcement?

Andy Rodenhiser – What is we get stomach aches over?? Do we want to be the

Gino Carlucci – With the new software, there will be a citizen portal for complaints.

Tom Gay – What kinds of things do we want to get into? How far do we want to take it?

Susy Affleck-Childs – How much do we want to do?

Tom Gay – I talk to newcomers who ask why we don't have covenants about cutting grass and maintaining property.

Bob Tucker – We have enough on our plate.

Andy Rodenhiser – Is this a priority for this town meeting?

Tom Gay – It has impact on too many other zones

John Williams – I don't see this as a major issue.

Andy Rodenhiser – I see enforcement as a major issue.

Bob Tucker – I don't think now is the time to work on this.

Susy Affleck-Childs – You could allow them by right in Industrial I, allow by special permit in AR zones with many conditions.

#### 4. Town Center Overlay

Andy Rodenhiser – The DRC has had several discussion sessions regarding form based codes and talked about setbacks, curb cuts, building heights, and density.

Susy Affleck-Childs - There are some policy issues to discuss such as density and affordable housing.

Andy Rodenhiser – Gino, please sit with Karyl Spiller-Walsh to get her to tell you her ideas. I asked her to get in her car and take pictures of good examples of what she wants to encourage.

Chan Rogers – Several times we talk about things way too long when four of us are against something and Karyl is advocating for something.

Andy Rodenhiser – I see that my roll is to try to provide opportunities for all viewpoints to be discussed. Karyl does have some really good ideas that are hard to come out sometimes.

Chan Rogers – What we have on the plate for this town meeting is great. We need to be geared to have zoning activity for every town meeting.

Andy Rodenhiser – We need to start working on the next one.

Bob Tucker – We should take on what we do well.

#### **Reports**

Susy Affleck-Childs – Suzanne Kennedy announced her intent to move Fran Hutton Lee out of the Assessor's office and to have her work half time for us and half time for the Building Department.

Tom Gay – Pat McHallam and I have had some discussions about data. We have identified a couple of places. Conservation Commissions can get free GIS software. I have some other sources. We have gone through a few towns that have implemented GIS umbrellas over a lot of their operations.

Andy Rodenhiser – We have a letter from Mass Dev re: bottle cap lot project. The first meeting of the Oak Grove Task Force is August 19<sup>th</sup>. I spoke with Angus Jennings of Concord Square Development to help us with the grant applications.

Next Meeting - August 12, 2008 - Susy Affleck-Childs, Gino Carlucci and Bob Tucker cannot attend.

A motion was made by Chan Rogers, seconded by Bob Tucker to adjourn. APPROVED.

The meeting was adjourned at 9:09 pm.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

**Medway Planning Board  
August 5, 2008  
EXECUTIVE SESSION**

The board convened in executive session at 7:07 pm.

PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, Tom Gay, John Williams

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant  
Barbara Saint Andre, Town Counsel  
Gino Carlucci, PGC Associates

Barbara Saint Andre – The developer has a new attorney. I have spoken with him. They would only agree to a remand if we would agree to remove the condition. So, we are proceeding to pretrial conference which is August 13 in Dedham to talk with judge about the case

Bob Tucker - They agreed to the mitigation. It was part of dialogue on waivers. If they remand back, keep everything open for discussion.

Barbara Saint Andre - Question – Who will be the best witnesses for the Planning Board? Normally I would have your professional consultants and the chairman, but volunteers are always welcome. However, the court will not want to hear all 5 members of the Board take the stand and say the same thing over and over again.

Bob Tucker – I was looking at the mitigation in terms of the whole package.

Andy Rodenhiser – We talked about the impact of this development on the Senior Center.

Barbara Saint Andre – If they change their mind, they can't just take out that condition and expect to not have some impact on the rest of the waivers or the conditions.

Chan Rogers – They originally proposed a community center.

Gino Carlucci – The dollar amount (for the contribution to the senior center) was based on the same per unit amount determined for River Bend/Walnut Grove on the Charles.

Barbara Saint Andre reviewed the joint pretrial memorandum. The trial will probably take place in the fall.

A motion was made by Bob Tucker, seconded by Chan Rogers to conclude the executive session and return to regular session.

ROLL CALL

Tom Gay – yes  
Andy Rodenhiser – yes  
Chan Rogers – yes  
Bob Tucker – yes

The executive session concluded at 7:21 pm.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

**Planning Board Meeting Town of Medway, MA**  
**Tuesday August 12<sup>th</sup>, 2008**

***Official votes and motions***

Attendees - Karyl Spiller-Walsh, Andy Rodenhiser, Tom Gay, Chan Rogers, John Williams

Note - Bob Tucker, Gino Carlucci and Susy Affleck-Childs are on Vacation.

Called to Order at 7:06 PM

No comments from citizens.

Jan Fish, FINCOM member also present.

Chan Rogers - The Route 109 project is coming along.

Andy Rodenhiser - Tom Gay, anything new?

Tom Gay - Attended first zoning board meeting, sat in on hearings, looking at application from Fisher St., health and wealth woes are not a hardship, we would require a boulevard. Is that green space down the middle?

The Zoning Board was happy that someone showed up from Planning Board. The Zoning Board promised to keep the Planning Board up to date.

Chan Rogers - I still have concerns about zoning violations. In our meeting last week Bob Tucker had mentioned this might be too much of a responsibility (for us to report violations). I think we should be proactive and bring the items to the zoning enforcer, and that we should move ahead on violations

Karyl Spiller-Walsh – I agree with Chan Rogers

Chan Rogers - As long as we take the most obvious ones and move ahead with them.

Andy Rodenhiser - Is everyone in support of that? I am.

Tom Gay - I am as well.

John Williams - Yes.

Karyl Spiller-Walsh - As we see them we can deal with it like that, we're not going to see all of them

Andy Rodenhiser - And again, what Bob Tucker was talking about was a wholesale process implementation, and that to be completely responsible would be too much of a project, which is

very different than what Chan Rogers is saying. Meaning, we would not take on a large responsibility, and just deal with it case by case as we see it—drive by it.

Tom Gay - Also...GIS. I have been exchanging emails with Pat McHallam (openspace committee). I obtained his use-map and can print as large as we want. Will put on heavy glossy paper.

At 7:13 Dave Pellegrini (Tetra Tech Rizzo) arrives.

Tom Gay - Pat sent information from GIS, gets some free software but have to install and agree to use it for a certain period of time and there is a cost. Also, he has been out there asking software companies to work with us on a starter kit, Cad Corp., a company in Connecticut, provides a consolidated solution. Can use sources from other companies so you are not limited by just using one - GIS software independent reads 280 formats, very different from "MapInfo"  
- He will keep pursuing these

Andy Rodenhiser - If the town were given a disk, it gets uploaded, they go out into the field looking, and it's not there, are we able to go back and find where we got that disk?

Tom Gay - Yes, you can get identification from where it came. There are ways to specify what you need.

Andy Rodenhiser - Tom Gay, can you Cc Gino Carlucci on this?

Tom Gay – I will make sure to pull everything together to make everyone aware – I have been narrowing down the potential vendors

### **Franklin Creek Bond Reduction**

Andy Rodenhiser - Dave, would you like to come up?

Dave Pellegrini takes guest chair.

Dave Pellegrini - Franklin Creek subdivision - Run off leaching field

Dave - reviewed the sketch

Andy Rodenhiser - And it will work?

Dave - Yes, asked about all types of soil volume information at each location, nothing has changed, gave copies of revised

Wrote a memo, Rizzo takes no exceptions to the modifications.

Andy Rodenhiser - has a check from

Karyl Spiller-Walsh to Dave - Are you sure you're comfortable with it?

Dave - Yes, I'm positive, they just really didn't show the detail in the first place but it was in their plans all along

Andy Rodenhiser - What about the bond?

Dave - Yes, they requested another bond reduction; I gave 90% of the item, they probably installed almost 100%, 12 inch ppc pipe, riprap – all Mass Highway unit prices

Andy Rodenhiser - Can you put that on there (on the revised copy?) Mass Highway Unit Prices?

Dave - Sure.

Andy Rodenhiser - Does anyone have questions?

All - No.

Andy Rodenhiser - Do we want to set a motion to accept the bond reduction? I would suggest we stick to what the engineer has suggested.

A motion was made by Chan Roger and seconded by Tom Gay to approve a bond reduction for Franklin Creek from \$78,675 to \$59,621. The motion was APPROVED.

NOTE – To cover the remainder of the work to be completed on Franklin Creek Lane from Station 0+00 to Station 4+25

Andy Rodenhiser to Dave—Please Cc the Conservation Commission and make sure we have a paper trail.

Andy Rodenhiser - We need to make note that the rip rap has been breeched.

Andy Rodenhiser - We need a motion to accept the \$1300 estimate for the change in TTR's fees.

Tom Gay - So moved.

Chan Rogers—Second.

All in favor, yes

Andy Rodenhiser - So, we have a planned revision based on the drawing and the memo. Any problems or questions with this?

Andy Rodenhiser - Motion to accept the plan revisions, roof run-off, and leaching field drawings.

Chan Rogers moves to accept.

Tom Gay seconds.

All in favor - yes

Andy Rodenhiser - How has it been working with us, Dave?



Dave - It's great. I love working here, anytime if you need any help or need our resources, answers or questions please use/contact us.

John Williams – I have a neighbor who might be good for the Design Review Committee. he is an architect, almost has him on board. Doesn't want to give his name up yet till he says yes....

### **Restaurant 45 Site Plan**

Andy Rodenhiser – we will wait for Restaurant 45—they have not arrived yet.

Paul Yorkis arrives at 7:39.

Paul Yorkis - Representing owners of Restaurant 45 – we have a change in the plan, when the site plan was originally approved, we said there might be some changes because the layout of the intersection (126 and 109 reconstruction)

Andy Rodenhiser - We were trying to figure out what was different - Do you have Approved vs. Proposed --I know Route 126 was going to change this around at some point

Andy Rodenhiser - Is the sign going to stay there?

Paul Yorkis—Yes, it is just in a new location. The big change - the engineer has been in contact with mass highway and they have worked out a change in the plan which really affects the original plan on the north side of the site which is Route 109

Andy Rodenhiser - Everyone understands the 6 things that are changing, right?  
Everyone - Yes.

Paul Yorkis - There is one additional parking space—don't know where it is exactly—but it is on the north side of the building, at what is labeled the main entrance, there are now two additional motorcycle spaces. There were none at the beginning.

Andy Rodenhiser - Will they be identified as motorcycle parking?

Paul Yorkis - Yes.

Andy Rodenhiser - Great.

Paul Yorkis – I suggest that we might want to in the future allow for motorcycle parking - on the left of the two motorcycle parking there are additional three spaces for motorcycle parking and we were able to accomplish that, if you look at the where it says new addition 1400sq part of the restaurant that is the new handicap ramp which would have been on the Route 109 side of the building, the change you can't see is that the slope of the roadway has been lowered, so they are literally going to be tearing up the parking lot and lowering, the tangent represents the right of way

The sidewalk and curbing along Route 109 is being done by the applicant to conform to what Mass Highway has established. There really has been outstanding coordination with Mass Highway and the applicant.

This is a subtle change, not sure if it's in the letter

At the Route 109 entrance/exit, you will see a dividing strip. It now is a concrete rumble street type of divider which will allow the access of trucks and snow plowing

Andy Rodenhiser - What was it in there before?

Paul Yorkis – it was an island.

Karyl Spiller-Walsh - Is it narrower now?

Paul Yorkis - No, it's the same, but ripped up right now.

Chan Rogers—It was changed as a safety thing.

Andy Rodenhiser - Since we don't have a past plan, do we want to wait till next week to make decisions?

Paul Yorkis - The direction of traffic flow has not changed

Andy Rodenhiser - Is there a significant amount of change that we need the old plan to make this decision? Should we wait, or no?

Karyl Spiller-Walsh - The new handicap access—is that a new configuration? Was there plantings and a raised bed in the past plan?

Paul Yorkis - I don't have the copy of the approved plan with me

Karyl Spiller-Walsh - Is the new landscape on the corner the same?

Paul Yorkis - Yes, I'm pretty confident that it is.

Paul Yorkis - The handicap ramp meets the old standard, so it's going to be redone because it doesn't meet the new standards. (The one near the raised bed along Route 109 and Rustic Rd.)

Paul Yorkis - There are a lot of small things, like where it says in the back 20 parking spaces, there is more privacy space there than was on the original plan, the buffer hasn't changed at all, Marc's position was we need more fence - What we're trying to do is preserve and enhance what is existing.

Andy Rodenhiser - Let's make a conditional approval that we can't lose any existing landscape.

Paul Yorkis - Marc made a decision not to do anything until the grade has been straightened out.

Karyl Spiller-Walsh - What is going to happen under the decking?

Paul Yorkis - Not sure, but if done correctly shouldn't be able to see it because of the landscape.

Chan Rogers - Along the frontage, the walkway?

Paul Yorkis - At Marc's expense.

Chan Rogers - Only two entrances?

Paul Yorkis - Yes.

Chan Rogers - And across the turn onto Summer St. are there still double-sided island granite curbing?

Paul Yorkis - I know what it says on the plan because that is existing, but it's not the applicants' responsibility. It's Mass Highway's; it is shown as what's existing now.

Paul Yorkis - What is going in is up to Mass Highway.

Andy Rodenhiser - But along Route 109 is your responsibility?

Paul Yorkis - Yes.

Andy Rodenhiser - What about irrigation with the landscape?

Paul Yorkis - The applicant will have it done well, and they are on the town's water supply. We don't see any problems.

Chan Rogers - What about the separation from Milford St. and parking.

Paul Yorkis - It will be low landscaping.

Tom Gay - You have pointed out new parking. Was anything lost because of this?

Paul Yorkis - No. Let me explain how we got the additional spaces. The proposed retail building was actually larger, and with the final calculations it allowed for a few more parking spaces

Chan Rogers - Do we know what type of retail might go in?

Paul Yorkis - We can't really say yet. We are in the process. White Hen is out of the mix, though.

Andy Rodenhiser—Any questions?

All no

Andy Rodenhiser - Motion to accept?

Chan Rogers moves to accept modified plan.

Tom Gay - Second.

All - Yes.

Andy Rodenhiser - Have you talked with Susy Affleck-Childs about the minor site plan revisions or was it a major?

Paul Yorkis - If the board advises me, I will provide a full size set. I have provided a stamped set of plans.

Karyl Spiller-Walsh—Someone should do a once over the site plan so that we can decided if it is minor or major.

Andy Rodenhiser - Do we want to make a friendly amendment to the motion?

Andy Rodenhiser: Motion – provided that there is no net loss in parking or landscaping on this drawing and we will approve it on that basis.

All those in favor, all yes

Karyl Spiller-Walsh - Motion to adjourn

Chan Rogers - Seconds

All in favor - yes

Prepared by: Kristen Domurad, Summer Intern

Edited by: Susan E. Affleck Childs, Planning Board Assistant

## **Medway Planning Board Meeting Tuesday, August 26, 2008**

**PRESENT:** Andy Rodenhiser, Tom Gay, Chan Rogers, Karyl Spiller-Walsh, Bob Tucker

**ALSO PRESENT –** Kristen Domurad, summer intern  
Gino Carlucci, PGC Associates  
Jan Fish, FINCOM  
Phil Giangarra, FINCOM

Meeting called to order at 7:08 pm. by Andy Rodenhiser

### **Citizen Comments**

Jan Fish – You are doing a great job.

Andy Rodenhiser – No public hearings, but we do have an 8 PM appointment with the IDC – informal discussion on next steps

### **TOWN CENTER OVERLAY DISTRICT - Discussion**

Andy Rodenhiser – Susy Affleck-Childs and I met with a developer of an assisted living facility for the parcel next to Medway Cooperative Bank –

We will be meeting this week with the Goulds, and then we are looking to meet with Diversified soon, and then the Cassidys as well.

Gino Carlucci – Town Center Overlay District was drafted with the state Smart Growth grant – 40R district – with incentives – If you zone for a minimum of 101 units, you can get a payment of \$200,000, plus \$3000 for each building permit. Because the state is pushing this type of housing, we also have a grant (Priority Development Fund) to produce this. We have an obligation to at least put forth a bylaw (for town meeting to consider). One of the requirements of 40R is that the developments be by right instead of special permit. Financial incentives would not be available if the zoning does not allow the development BY RIGHT.

Concept provides for 3 major entrances plus linkage roadways making connections from Holliston to Pond Street – on south side connecting properties to each other – bulk of parking to the rear of the buildings

Parking ratio was less strict than what the regular zoning was – but not with the NEW parking standards. we would want to adjust the parking - building height similarly, we now allow for higher heights by special permit – so we would need to adjust that as well. .

### **Density**

12 units per acre for townhouse style

20 units per acre for multi family (comparable to approved 40B project) at Elm Street.

There would be architectural requirements - certain percentage of doorways and windows instead of blank facades to create a pedestrian oriented environment –

Would include requirement for sustainable development principles – low impact development, reuse, energy efficient, transit oriented –

Andy Rodenhiser – We could have the shuttle bus stop there. Are you required to have a component of each?

Gino Carlucci – Probably nobody is going to comply with all of the requirements. We would probably meet the requirements for an area of concentrated development.

Gino Carlucci – One of the things that have been an issue is setbacks. In this draft, it calls for a minimum setback of 5 feet and a maximum setback of 20 feet in order to bring it up toward the street with the parking in the back. However, since that time, I have checked the right of way width of Route 109 and it is only 42 feet. Based on that, I would recommend a higher minimum setback.

Probably some of paved street is on private property.

Bob Tucker – If we want to go with a smaller setback on back streets that would be OK, but I definitely think we need setbacks along Route 109 to make sure we have room.

Andy Rodenhiser – Is there funding available to help write form based code part of this?

Gino Carlucci – I would say yes, generally; that is the intent.

Andy Rodenhiser – What would DRC want to see in form based code?

Karyl Spiller-Walsh – We have had lots of conversations about form based code, the good and the bad, and in a nutshell to understand and institute form based codes, it is so complicated and to understand the minutia of what has to go into form based codes . . . just to educate the board, DRC, the town – as to what to include and how you would modulate that was such an undertaking is that it would take a phenomenal amount of time and money - we talked about it at length – a good hour discussion 3-4 times

Andy Rodenhiser – Is it something the DRC would like to work on?

Karyl Spiller-Walsh – No hostility to the idea, we wanted to understand where it would be a relief to us. You lose the idiosyncrasies that you get with a special permit option – we thought it would be easier to do form based codes in the Midwest with flat undeveloped land – we thought it would be a daunting undertaking here

Tom Gay – lot going on with a rehab

Karyl Spiller-Walsh – Form based codes mean you have to have a vision.

Andy Rodenhiser – We have a plan for redevelopment, with multiple owners up there. If you were to try to get each owner to agree to develop in a certain way, the likelihood of that is far less likely to be successful with each owner getting their own architect.

Gino Carlucci –If you remember the transept for form based codes, it runs from rural to urban. In the mid ranges it is much less intense. At the far urban end it is very detailed and specific. I don't think anybody wants to get at that level.

Andy Rodenhiser – I am hearing you say it wouldn't work here.

Karyl Spiller-Walsh – It would work and make sense in vast open areas. I want you to recollect when we were doing Medway Commons and we were doing design guidelines and sign guidelines - we didn't have a preconception

Andy Rodenhiser – So are you in support of form based code?

Karyl Spiller-Walsh – What I was saying, by default, what happened with Medway Commons, it wasn't exactly unlike form based codes –

Andy Rodenhiser – That was through a process that wasn't easy for a developer. It was through an iterative process that involved negotiations...we are trying to avoid that

Tom Gay – That was a difficult process whose result has a feeling of form based code.

Karyl Spiller-Walsh – The good thing is that it isn't horrible.

Andy Rodenhiser – Would we have gotten there quicker if we had form based code?

Karyl Spiller-Walsh – Form based code – start at edge of town and becomes more urban in the center. . what we started with was the outskirts with Medway Commons and we are now moving toward the center

Andy Rodenhiser – Is the board in favor of form based code?

Bob Tucker – I am not against it.

Gino Carlucci – Sometimes it sounds like you are talking about form based code and design guidelines interchangeably

Form based code is on the location of the buildings (on the site) and the streetscape  
Form based codes leave out the architecture completely,

Karyl Spiller-Walsh – Could the COSMOS plan exist in form based codes? There are so many variations – it looks to me like it wouldn't – form based codes lack creativity – I don't think the COSMOS plan could work.

Andy Rodenhiser – It doesn't necessarily mean uniformity.

Andy Rodenhiser – Is the COSMOS plan how we want Medway to look like

Karyl Spiller-Walsh – That plan is a flavor – this was well received – people want rural, variety of architecture – everybody who looked at that was so thrilled – there are a lot of qualities

Andy Rodenhiser – So what are you saying?

Karyl Spiller-Walsh – The qualities that made the COSMOS plan are what we want to retain. We can do that with special permits.

Chan Rogers – COMOS plan is what it could look like, providing other things are in control, integrating some of the other properties;

Tom Gay – I have some more fundamental questions about the overlay district. It would seem that with the discussions with changes in Route 109 corridor to facilitate easier travel that creating an area with foot traffic would be a conflict. I am also wondering how that particular area got targeted as opposed to some of the more traditional village type areas of the town? At one point or another, there was a particular charm to the area near the police station (where the train station used to be) – West Medway Center/Rabbit Hill area – there was Medway Village – Why we are targeting this particular area on Route 109 while the older parts are falling apart.

Andy Rodenhiser – What was the history?

Gino Carlucci – I should probably resend the original report that was a predecessor to this. If you step back away from this area – some of the densest housing surrounds this. There are two schools in proximity. There are a lot of facilities here that are typically found in a town center. It was ripe for redevelopment into a town center vs. being just a strip to drive through. It already had a lot of characteristics. The other thing, as an aside, part of the intent of this was to not make it congested by having an alternative pathway for the neighborhoods to use without having to get out onto Route 109.

Tom Gay – Two sides of the street that are totally divided by route 109

Gino Carlucci – Just like Millis and Medfield – philosophically differentiate – traffic flow or have first priority be to serve Medway residents as a town center.

Dave Harrington (IDC member) – Are you thinking about punching Sunset Drive through to the shopping center? The neighbors would really be ticked at you.

Gino Carlucci – The plan does not envision a traffic connection through Sunset, only a pedestrian connection.

Karyl Spiller-Walsh – Could I make a recommendation on this – DRC probably has not ever seen the COSMOS plan – we need a copy for every PB member and DRC –

Tom Gay – I can do this for you.

Andy Rodenhiser – Tom Gay has purchased a roll of paper to be able to make prints at work.



Chan Rogers – This should be looked at as a tool to show what it can be – but not jump through hoops – but you do have to address some of the problems that it shows.

Andy Rodenhiser – We are meeting on a regular basis with folks.

First of many work sessions we are having during PB meetings to focus on town center and form based codes.

Tom Gay – I think we want to be very careful about what we want to do . . . How about that new building in Millis – what is going on there?

Andy Rodenhiser – We are talking about implementing a code so that a developer knows what is expected. We get what we want.

Karyl Spiller-Walsh – What I am telling you, we don't know exactly what we want – we need time and education – I don't see anybody on the PB or the DRC who would take this lightly – we the DRC are way ahead of what we have done here . . . we know we need so much input – we don't know if we even want to go there – I would suggest a conversation with DRC – it is not new material – I am telling you the DRC is not sure it wants to go there - the DRC wants to look at it a lot more – it is a Pandora's box - are we even prepared to go there?

Gino Carlucci – The overlay district doesn't need to be a full form based code district. There is time to refine and develop as time goes on.

Andy Rodenhiser – It would help to know whether this board is happy with the overall direction of the COSMOS plan.

Chan Rogers – Several of you have pointed out it cannot evolve exactly as it is drawn.

Gino Carlucci – This concept plan shows both Drybridge and Gould's Plaza intact.

### **Joint Meeting with the IDC**

Bill Wright, Kelli Ployer, Dave Harrington, Rick Kaplan

Andy Rodenhiser – Welcome, I understand most of the IDC members have decided to not continue to serve

Bill Wright – We are feeling it is time to move on to do something different. One of our challenges is finding recommended replacements. I have none.

Dave Harrington – What is in the PB's mind? – What do you want us to do? – I started doing some digging – Went to the town website – It is horrible – One of the things that really got me – 97.9% of dwelling units in Medway have school age children – We only have 2800 school kids in Medway – but when somebody is doing a quick study – that is a YIKES – What is our build-out in Medway? How many more years can we have building going on before we are full? What is the percentage of industrial land? How much of it is useable? Did we rezone the Lally property or not?

Andy Rodenhiser – We are talking about the IDC here.

Dave Harrington – If I am bringing somebody into town – our web site turns people away –

Andy Rodenhiser – IDC should be promoting the town in a factual way.

Bill Wright – One of the responsibilities of an IDC is to market and promote the town.

Dave Harrington – Are we going to put it on the October town meeting? Lally's property is up for sale on Coffee Street.

Dave Harrington – Are you going to push for sewer expansion? If somebody comes in with a subdivision that is a quarter of a mile close to the sewer line will you support that?

Andy Rodenhiser – Probably depends on capacity at the sewage treatment plant. I don't think we will be pushing anybody to connect to sewer. We need to reserve it for expansion of industrial lands, or additional expansion that you guys suggested near Bellingham town line. I met with Marzelli and Merrimac today to talk about a road out to the utility line.

Susy Affleck-Childs – Where would you like to see the IDC go?

Bill Wright – West Medway is most desirable for commercial and industrial development. Most business parks are owned by one entity that is trying to develop it. Ours is owned by a variety of entities, mixed ownership. Medway has had a lot of positive exposure in the press. We don't control the land - one role of the IDC is to be a facilitator to try to make partnerships to blend parcels to be developable

Rick Kaplan – The more land you put together, the more you can do with it. There are some pockets there. There is land behind Parrella. can we get parcels together? There is a lot of land.

Gino Carlucci – BEMIS is wet, but Parrella's property is mostly dry.

Oak Grove is a great opportunity

Bill Wright – partnerships – Medway shopping plaza bringing that back up – unless they want to redevelop it, we can't make them do it

Andy Rodenhiser – Just create an opportunity.

Bill Wright – Find grants.

Kelli Ployer – Tax incentives like Centennial Place in Millis – residential on top, office and commercial on first floor - higher and better use – more of a community –

Tom Gay – heard people say they don't like that scale of development in Millis – taking over that town - do we want it done that way? Out of scale with town hall because it sits right on the sidewalk -

Bill Wright – Village concept – all sorts of state money available –

Bill Wright – Smart growth – village concept - money for that type of development –

Bill Wright – Any sort of commercial development will have many opinions.

Karyl Spiller-Walsh – That could have been a much better project with some design insights.

Bill Wright – Whether you like the look or not, conceptually the idea of a village with housing, mixed use – more open space – that is something that could be done in Medway Planning Board.

Chan Rogers – Millis doesn't have a design review committee!

Chan Rogers – We are identifying some things to do – membership?

Bill Wright – To attract somebody to serve on the IDC you have to be able to give them a vision – more than just the marketing arm of the town –

Chan Rogers – That is definitely one of the functions –

Andy Rodenhiser – facilitate private public partnerships

Karyl Spiller-Walsh – Did everybody hear on the news this weekend that Norfolk County was rated 25<sup>th</sup> in the nation as best place to live and raise children?

Dave Harrington – I go to various entrepreneurial sessions out of Worcester and – always talking with people to get people to come and look at Medway – they can't get enough space together – it is very frustrating – good power, sewer, gas, highway access – everything there except we have a mixture of owners who don't talk to each – it is very difficult

Dave Harrington – Take the whole thing by eminent domain and then resell it.

Andy Rodenhiser – I think we have been advised that we cannot take land for economic development.

Rick Kaplan – I think Parella will do something.

Andy Rodenhiser – Fractured by roads, wetlands – not a contiguous piece of land that even could be assembled.

Gino Carlucci – After Cybex and Parella the next best place is two ten-acre parcels at the end of Trotter Drive. Those two together could be something.

Andy Rodenhiser – They have agreed in principal to have a road between the two to go out to the utility line.

Note – Andy Rodenhiser showed on the aerial photograph – the Bellingham/Medway – we had tried for a grant from MAPC but we weren't successful.

Gino Carlucci – There is another round of that coming up.

Kelli Ployer – Move down east Medway toward Millis –

Andy Rodenhiser – Lally and Ravell own the land up there – dispute between the two re: the ownership of the land where the new well will be located – we will work on that end of town when we can.

Bill Wright – IDC members should be trying to form partnerships – public and private – much better opportunity to get things accomplished – somebody to facilitate

Andy Rodenhiser – Suggest that the IDC be called an economic development board.

Dave Harrington – Industry is changing. Now so much is designer drugs, nanotechnology—they don't need as much floor space. But there are some that do. I just want us to get a shot at some of them.

Rick Kaplan – How will you try to attract new members?

Bill Wright – Change the name of it and get a defined role for it. Laser in on residents that have the skill set

Kristen Domurad – I looked through the directory of folks that live in Medway - identified folks with backgrounds in banking, industry

Bill Wright – People that have been involved – Parella, Rozanski, Desimone – they may have some ideas on folks that would be good.

Andy Rodenhiser – I met a gentleman from Gallante's one morning. He is some type of economic developer in another country. Maybe we could talk to him about that.

Andy Rodenhiser – Are there things you wish you had done in terms of the people you have had – were there needs you had that weren't met.

Bill Wright – If, based on what we were doing before, it would have been great to have resources to identify parcels – a marketing campaign to the owners to find out what kind of zoning they would like – there is still a fair amount of vacant land – there is a lot of stuff is available in town

Dave Harrington – For the last 5 years, we have concentrated on the sewer – we haven't had the chance and wherewithal to do that –

Bill Wright - What I am suggesting on the facility partnerships – the final grant came about because of the grant with Cybex – nurturing that relationship over the years – we did what I am suggesting we do to pursue grant money

Andy Rodenhiser – In the area for the expansion near Bellingham, trying to partner with a national developer to sell to one developer

Kelli Ployer – Great idea. You are running down the right road. Forge Park and Franklin Industrial Park used to be a multitude of owners.

Rick Kaplan – help facilitate – meet with owners –

Kelli Ployer – I can't serve on the IDC a regular basis. I know people at the larger national companies. I wanted to have a list for all the commercial brokers. We were going to get a web site up and then send out info to Medway, but we don't have a lot of parcels.

Andy Rodenhiser – Would it be something you could maybe draft a letter for us to use?

Kelli Ployer – Yes. Then handpick 6-8 big development companies to meet with.

Andy Rodenhiser – Put together something that we could have on the web site.

Kelli Ployer – I would recommend on the website – feature info on east side and west side and Oak Grove

Andy Rodenhiser – Anything else you would like to share or talk about?

Dave Harrington – I am willing to listen when you are ready to appoint new people.

Bill Wright – Changing the name would be very important—more positive.

Andy Rodenhiser – Thanks for all you have done.

Phil Giangarra (one of the two liaisons from the FINCOM) – We are most concerned about the PB making decisions that cost the town money – I am concerned about 40R – what is the reason behind it?

Gino Carlucci – It would bring in - the state would provide a cash payment up front for adopting it and then \$3,000 per building permit and then the school expenses

Andy Rodenhiser – When you have a million dollar house, it comes on a large lot which causes suburban sprawl, which causes inability to control storm water – higher densities in smaller areas where people can live allows open space to be preserved – we don't have a diversification of our housing stock – people can't afford to live here – young people can't - higher costs drive up wage pressure further economic

Andy Rodenhiser – There is a pretty steep education curve – if you are going to be liaison – we will provide you with a lot of tools and opportunities to learn –

Phil Giangarra – Say I have ten acres – get 8 houses – if we did a 40R on it and we same the same ten acres –

Andy Rodenhiser – the goal is to eliminate sprawl – town meeting would have to vote on a 40R district and 40S reimbursement goes along with it – more housing options

Phil Giangarra – Please don't misunderstand me – I don't disapprove of cluster stuff personally – I am trying to be convinced from a finance standpoint that more intense development is good for town

Chan Rogers – Residential development is a deficit -

Andy Rodenhiser – People come here and use schools and leave – we lose a sense of community

Karyl Spiller-Walsh – I disagree – people are staying – close to Boston – property values are pretty fair hanging

Andy Rodenhiser – Wage pressure is so high to pay people to work and live here – businesses cannot compete -

Karyl Spiller-Walsh – Concerned that we might end up with massive number of dwelling units – too much impact

Phil Giangarra – The more units that we put in, for residential, commercial and industrial, then we have traffic – we certainly don't want a Route 9 (Framingham/Natick) in Medway . . .

Karyl Spiller-Walsh – There are some good concepts for relieving congested spots –

Phil Giangarra – We don't want to become another Chelmsford –

Andy Rodenhiser – Chan Rogers, who is one of the foremost traffic engineers, tells us that Route 109 is at about 40% of its capacity – the problem is how the traffic signals function

Phil Giangarra – Biggest improvement is that the high school moved away from there (Holliston and Main Street)

Andy Rodenhiser – Susy Affleck-Childs can put together a packet of info for Phil Giangarra – I would be glad to chat with you after the meeting – I do want to apprise you of – we had an issue with a staff person that has been split between the building department and us – the person came from inside – there will be a warrant article to move some money from assessors' salary account

## **Discuss Town Meeting Articles**

### **Mitigation**

Susy presented drafts of mitigation text to include in the Site plan, OSRD and ARCPUD sections of the zoning bylaw.

A motion was made by Chan Rogers, seconded by Bob Tucker to approve the mitigation text as written for Site Plan, OSRD and ARCPUD sections (and to submit to town meeting for consideration). Approved. Karyl Spiller-Walsh abstained.

### **Site Plan Modification**

Susy presented an August 26 draft of text to modify the section on modifying site plans

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to approve the language as presented (and submit to town meeting for consideration). APPROVED.

### **Rezone Commercial VI to the new Commercial I district**

Karyl Spiller-Walsh – Would this worsen things for the properties on the corner –

A motion was made by Chan Rogers, seconded by Bob Tucker to go ahead with an article to rezone commercial VI to the new commercial I district (and submit to town meeting for consideration).

### **AUOD**

Proposal to adjust the district boundaries to include 3 parcels between Winthrop Street and Temple Street and remove Choate Park parcel from the district

Tom Gay – Why?

Gino Carlucci – I would also suggest adding two more lots between Temple and Cottage Streets

Chan Rogers - I agree

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to modify the AUOD boundaries as further revised tonight to include 5 lots and to remove Choate Park. APPROVED. Andy Rodenhiser abstained.

### **List of Zoning Districts**

Gino Carlucci – this is to update the language listing all the zoning districts

A motion was made by Chan Rogers, seconded by Bob Tucker to approve a modification of list of districts (and submit to town meeting for consideration). APPROVED.

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### **43D Priority Development Site**

Andy Rodenhiser – we recommend adding some of the parcels in Oak Grove/bottle cap area owned by the Town and by the Williams.

Susy Affleck-Childs – We are working on the details of the lot numbers to include both the current map and parcel numbers linked back to the old Oak Grove lot numbers

A motion was made by Bob Tucker, seconded by Tom Gay to approve adding parcels for 43D designation (and submit to town meeting for consideration) subject to completion of the list. APPROVED

### **STREET ACCEPTANCE**

Susy presented a draft article listing streets for acceptance.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to approve the list of streets for acceptance (and submit to town meeting for consideration). APPROVED. Bob Tucker voted no.

Bob Tucker – I am concerned that these are not really ready

Tom Gay – This is really a holding place.

Chan Rogers – Give benefit to the citizens who live on the street.

Susy Affleck-Childs – Old regs were not prescriptive – on process for accepting streets

### **Murphy Insurance Site Plan – Plan Endorsement**

PB endorsed the site plans.

OSRD application - Williamsburg Condominium for West Street

Susy Affleck-Childs – I need you to set the plan review fee. WE have an estimate from Gino Carlucci.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to approve plan review fee of \$1,000. APPROVED.

Susy Affleck-Childs – We will start the public hearing on Tuesday on September 23 at 7:15 p.m.

Tom Gay – I will be gone the week of September 14<sup>th</sup> – 20<sup>th</sup> and may not be here on September 23<sup>rd</sup>.

### **Other Business**

Oak Grove Task Force meeting – Wednesday at 8 pm at Senior Center –

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to adjourn the meeting. APPROVED.

The meeting was adjourned at 10:20 pm

Respectfully submitted,

Susan Affleck-Childs  
Planning Board Assistant





## **September 9, 2008**

### **Medway Planning Board meeting**

MEMBERS PRESENT: Bob Tucker, Chan Rogers, Karyl Spiller-Walsh, Tom Gay  
John Williams

MEMBERS ABSENT WITH NOTICE: Andy Rodenhiser

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant  
Gino Carlucci, PGC Associates  
Phil Giangarra, FINCOM  
Jim Wieler, Master Plan Committee

Andy Rodenhiser – not present

Vice Chairman Bob Tucker opened the meeting at 7:05 pm –

We will do some business before Jim Wieler arrives.

#### **INVOICES**

PGC Associates - \$240 – Master Plan work – motion by Karyl Spiller-Walsh, seconded by Tom Gay, all yes - general fund/consulting services

PGC Associates - \$320 – General consulting – PB meetings in July and August – motion by Chan Rogers, seconded by Tom Gay, all yes - general fund/consulting services

495 Corridor Metro Partnership annual forum – registration fee for Andy Rodenhiser - \$35 – motion by Karyl Spiller-Walsh, seconded Chan Rogers – all yes – general fund

Tetra Tech Rizzo – Murphy Insurance site plan – \$1,510.25 – motion by Karyl Spiller-Walsh, seconded by Tom Gay – all yes – Plan Review revolving fund

PGC Associates – 43D Permit Tracking – \$1,105 – Motion by Karyl Spiller-Walsh, seconded by Tom Gay – all yes – grant program funding

Karyl Spiller-Walsh – What is this?

Gino Carlucci – Software permit tracking system.

Start up by January 1<sup>st</sup>

#### **Jim Wieler – Master Plan Update Committee Update**

Jim Wieler – About a year or so ago the PB kicked off the update committee. – I drafted a couple of cohorts from the 1999 plan and we proceeded – core group – Diane Borgatti, Dan Hooper, Dave Kaeli – We came up with the survey that went out – I will review for you where we are . . .

We meet the first and third Tuesdays of the month – high school library from 8 – 9:30

7 mandated sections/chapters using the 1999 plan as basis – looking at the old plan for action items

Created a survey – terrific feedback from – we are now updating the individual sections with new data – Kristen Domurad had helped over the summer – based on survey data we will come up with actions and goals – Andy Rodenhiser has been to a bunch of the meetings – so hopefully he is keeping you up to date – we are going thru drafts now – we will have a draft for the PB to review - goal to have a public hearing in the middle of February – get more feedback and then go back and update some more – and then at some point have you endorse or accept it and then go to town meeting for affirmation –

We have a pretty good committee – stepping up now that summer is over – we have gathered data over the summer – we don't have a lot on paper yet – that said, we do have the survey data - insights are not surprising – I have my Medway Pride Day t-shirt, with my tax bill, carrying a bottle of water and a school book – people like the community/ spirit/small town feel, taxes are too high, concerned about town government and fiscal responsibility, very concerned about maintaining schools and improving, and about water supply – data is all up on the web site - results of the mail-in survey – 39% response rate – 99% confidence level on signals that we are seeing – over 250,000 data points – in the mail-in portion, 1-5 low to high;

Quality of education/schools – between a C and a B

Public facilities –

Water – very important

Public safety

Emergency services

Lower response on the on-line version – they are different surveys, people thought if they did the mail-in, they didn't have to do the on-line version

The other portion of the mail-in is the write in comments – very telling – people took the time to give a piece of their mind - we asked what you liked best about living in Medway, we grouped these – Dan did the lion's share of compilation – sense of community is important – country feel, Medway historic village – ease of access,

What do you like least about living in Medway – high taxes, water quality, and problems with financial management.

What are the most important issues – quality of schools and improved town fiscal management.

If you could do one thing, what would you do to improve Medway?

Then to the on-line survey – look at the highest to lowest in terms of priority –

Improve water quality.

Redesign Medway shopping center

rezone property to expand West Medway industrial park and offer tax incentives.

Housing – people thought affordable housing is important, but have developers work on it

Library – Reestablish state's accreditation.

Schools – Provide adequate teaching and reduce class size.

Public services – Maintain public buildings and roads.

Recreation – Bicycle and walking trails and athletic fields –

Community Preservation Act funds – Focus on open space/conservation and passive recreation and create active recreational areas.

Planning – Maintain small town feel/rural character.

Capital improvement – Extend sewers for economic development; town common,

Public safety – EMT and life support services

John Williams – What does online survey represent?

Jim Wieler – Somewhere over 300 individuals completed

1890 completions on the mail-in survey

Jim Wieler – We are still statistically significant at the 300 level - the strong signals are not going to change.

Tom Gay – Signals in both versions?

Jim Wieler – Yes

Jim Wieler – What we are lacking here is a significant response from the senior community assuming not a lot of them were on line –

Karyl Spiller-Walsh – Was there any description of demographics?

Jim Wieler - Yes, there was on the mail in.

Jim Wieler – The big numbers are in the mail in.

Jim Wieler – You filled it out – we counted it with the voting machines – the reports – the folks in the town clerk's office scanned the survey comments – it was a heck of a lot less work than doing it in 1999.

Jim Wieler – This data becomes the basis for goals and actions – and we are updating the data . .

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Jim Wieler – The PB has done a huge amount of work in the last decade – track record was very good . . .

Jim Wieler – We hope to be done for June 2009 town meeting . . .

Bob Tucker – I want to thank Jim Wieler and the committee for all the hours putting the data together – still a lot of work in front of us. . .

Karyl Spiller-Walsh – Did you come up with ideas on what questions might be asked – anything that was missing?

Jim Wieler – One of the things that may come out of this – on-line survey tools are a great mechanism for people to give feedback – the town should be doing a survey every six months – that would relieve the burden of doing one of every ten years – what are the hot buttons?

Gino Carlucci – Ten years is a good time frame –

Jim Wieler – We will have to think about how to publish this – to put it out there as a PDF is fine – last time we inserted it in the Gazette (like the FinCom book)

Tom Gay – Any significant changes in direction in data from 1999 and now?

Jim Wieler – Human nature – people don't like taxes; want open space but don't want to pay for it – things that people cherish – hot button now is water, hot button before was the rate of subdivisions being approved and constructed – that pushed the master plan

Encourage you to vote for Jim Wickis to be officially appointed to the master plan committee

Motion by Tom Gay, seconded by Karyl Spiller-Walsh to appoint Jim Wickis to master plan committee thru June 30, 2009 – all yes.

Chan Rogers – I would like to make an observation – expand public transit offerings is very low priority

Jim Wieler – Second highest priority is reduced traffic congestion

Phil Giangarra – The survey was skewed against the older people by nature of computer process for the questions

Bob Tucker – Like the idea of periodic surveys –

Chan Rogers – The GATRA thing we are doing here has mushroomed.

Tom Gay – How many people are using it?

Jim Wieler – I sit on the board of the Upper Charles Conservation Land Trust – we were talking about community farm proposal – they are popping up all over the place – it is an education thing.

John Williams – Will the format of the master plan be the same? I like how it quantified the cost of services . . .

Jim Wieler – The cost of municipal services – who has that good data? Yes we will have that . . .

Gino Carlucci – State Department of Revenue would have some good data by town – I think American Farmland Trust did studies 10-15 years ago . . .

Jim Wieler – Dave Hoag did the analysis in 1999 by data mining thru the Board of Assessors data –

Jim Wieler will be doing a briefing to the BOS on 10/6

Jim Wieler – We are going to feature the Commercial I and Oak Grove areas . . . and the Adams Street/Lovering/Highland trail system corridor

Karyl Spiller-Walsh – there is some info in there that is relevant in there for future plans for CI and Oak Grove

Bob Tucker – Continuing education issue . . .

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### **Planning Board Fees**

Motion by Chan Rogers seconded by Karyl Spiller-Walsh – to set a \$500 application/filing fee for an assisted living facility special permit and for an affordable housing special permit - to add to our rate schedule – all yes . . .

Agreed to look at the overall fee schedule –

Susy Affleck-Childs – RE: fees, Suzanne has asked us to research the fees of neighboring towns –

Bob Tucker – We would like to see that when you have it done.

Susy Affleck-Childs - I am surprised at how low fees are in adjacent towns . . .

### **Continued Discussion on Town Center Overlay District**

Gino Carlucci – You have some handout materials on 40R and 40S and form based codes – from the state smart growth web site. What we learn will apply to both Commercial I and the Oak Grove area

Andy Rodenhiser is trying to organize some workshops for us.

40R districts have to be overlay – incentives to do things differently, does not replace the underlying zoning.

Tom Gay – Doesn't that mean you could end up with some things that are not compatible with each other – or contradictory?

Gino Carlucci – You craft it to minimize conflicts.

Karyl Spiller-Walsh – This bothers me having this conversation without Andy Rodenhiser being here tonight – he has some strong opinions – instead of having meetings where they might be three people – I think it should be an all inclusive effort – logical educational discussion on how – most people are clueless about what it is and where it would be effective or not.

Bob Tucker - That is why he is attempting to get somebody in here to educate us –

Susy Affleck-Childs – Suggestion to do this on a couple of Saturday mornings –

Karyl Spiller-Walsh – Once you start implementing form based codes you start giving away your special permitting options.

Tom Gay – The form based codes can be very regulatory in nature.

Karyl Spiller-Walsh – The reason for using form based codes is to expedite development.

Gino Carlucci – I disagree – form based codes have to do with managing development so it comes out as the community visions

Tom Gay – It narrows the scope of what can be considered – they have to be developed for the specific situation – a lot of work has to go into developing the applicable code for a certain area – I think you can get into some huge arguments about what the form based code should look like

Bob Tucker – Form based code can be varied block to block.

Karyl Spiller-Walsh – I would want to see specific form based codes for various areas.

Tom Gay – Form based code has a good application in the overlay if the desire is to have a cohesive approach . . .

Gino Carlucci – The examples they give here are both Lowell (old) and Southfield (vacant land) - This is not a one size fits all approach – depends on each specific area.

Karyl Spiller-Walsh – You program into the code a progression

Tom Gay – It is strict within the particular zone . . .

Chan Rogers – We are talking in circles here – the first thing you want to decide is whether you want an overlay district in that area? And what is the format of it? Site plan review process?

Karyl Spiller-Walsh – I disagree with you . . .

Bob Tucker – We handed out some info on 40R and 40S for you to read . . .

## **Update on Street Acceptance**

Susy Affleck-Childs – We need to charge the developers for funds to cover the Town's legal fees associated with street acceptance – I have sent invoices to Ishmael Coffee, Speroni Acres and Birch Hill

## **Committee Reports**

Bob Tucker – Went to ConCom last week on the Marian Community's application – it would appear that there was some inaccurate info conveyed to ConCom by Marian community – ConCom decided to issue a notice of violation on the project which would require them to come back into ConCom – ConCom's concern is the width of the roadway thru the wetlands and as it crosses the Chicken Brook (bridge) – ConCom wants to minimize width and the resulting impact to wetlands – I did try to explain to them how limited our (site plan) review was of that project – as a result of that they came up with a whole number of questions – when we do limited reviews, we need to pass on and communicate more fully to other boards/committees

Karyl Spiller-Walsh – As I remember with the last meeting we had with the Marian community, there was a brief discussion re: the bridge – we asked if they intended to use the bridge as described in the ARCPUD engineering – I remember them saying yes – so we concluded that the old engineering would stand – so therefore the road width would be whatever was discussed during the early ARCPUD discussion –

Bob Tucker – In the final presentation, that was not a requirement – they did say it was their intent - ConCom would like to have pushed Marian to a narrower road which was ConCom's width all along – Marian told ConCom that the PB had dictated the road width

Karyl Spiller-Walsh – At this stage of the game, would it be the wish of the PB that we concur with ConCom?

Bob Tucker – I tried to convey to ConCom, it wasn't in our purview to look at road matters during the limited site plan review but I did indicate we had safety concerns about getting emergency apparatus into and out of the area . . . so they are going to do their own investigation and contact both fire and police departments and see what they say -

Karyl Spiller-Walsh – I would personally support whatever ConCom would want in terms of a reduced road width –

Bob Tucker – Technically, ConCom doesn't have to grant any approval on this proposal because there is another way into the site from Kimberly - that would not be popular but it is an alternative

Karyl Spiller-Walsh – How much would they need off of Kimberly?

## **Design Review Committee**

Karyl Spiller-Walsh - The DRC met last night – we have two prospective new members – Quint Moores and Mary Weafer



**Route 109**

Chan Rogers – Part of the Route 109 improvements require some quick fixes for the intersection of Milford, Main and Franklin – we received yesterday the warrant for the quick fix – it will give priority to Route 109 east/west movements – remove island – Dave has funding and capability to do it.

**Zoning Board of Appeals**

Tom Gay – Nothing to report

**Community Preservation Committee**

Bob Tucker – CPC meeting last week – we had one article that will be going in the warrant on a community farm for 50 Winthrop Street

**SWAP**

Gino Carlucci - Next week the monthly SWAP meeting will be held in Medway – CTPS is doing a study on route 126 corridor and soliciting input –

A motion was made by Chan Rogers, seconded by Tom Gay to adjourn. All yes.

The meeting was adjourned at 9:15 pm.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

## **Medway Planning Board Meeting Tuesday, September 23, 2008**

Present: Andy Rodenhiser, Karyl Spiller-Walsh, John Williams, Chan Rogers  
Absent with Notice: Bob Tucker and Tom Gay

Also Present – Gino Carlucci, PGC Associates and Susy Affleck-Childs, Planning Board Assistant

Chairman Rodenhiser called the meeting to order at 7:07 pm

### **CITIZEN COMMENTS - None**

NOTE - We do have a quorum of regular members. John Williams, associate member is also present.

### **Reissue Lot Release for Sledding Hill Way**

A motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers to issue a new lot release for Lot #2 as shown on the Village Acres Definitive Subdivision Plan. APPROVED.

### **Invoices**

\$517.50 for VHB for construction inspection services at Ishmael Coffee Estates to be paid from developer's construction observation account. Motion by Chan Rogers, seconded by Karyl Spiller-Walsh. APPROVED.

\$341.45 for WB Mason for office supplies, to be paid from the Planning Board's General Fund budget. Motion by Karyl Spiller-Walsh, seconded by Chan Rogers. APPROVED.

### **Construction Inspection Invoice for Birch Hill**

Susy recommended the Board approve an estimate of \$8,805 for additional construction inspection services (\$3,805) and legal services (\$5,000) for the Birch Hill subdivision. A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to approve the estimate. APPROVED.

### **Public Hearing – Williamsburg Condo OSRD and Affordable Housing Special Permits**

7:18 pm – Introductory comments by Andy Rodenhiser - Attach.

A motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers to dispense with the reading of the public hearing notice. APPROVED. (Notice is attached).

Andy Rodenhiser - There will not be additional notices mailed to you (abutters). We will announce it at the end of each hearing. You need to be at the hearings.

Susy Affleck-Childs - Note that members Bob Tucker and Tom Gay are not in attendance tonight. They will view the notes and videotape.

Chan Rogers – The applicant did present to us previously in a required pre-application meeting.

Paul Yorkis – I am associated with Patriot Real Estate and I represent Greg Whelan who is the owner and applicant.

NOTE - Paul described the entire parcel and displayed a map.

The teal colored represents areas covered by the wetlands protection act. The area in green is uplands. The area in yellow is part of 100 year flood plain/wetlands protection act. There is a certified vernal pool very close to West Street.

The applicant is proposing to develop only the light green portion of the site.

The existing driveway to the left of the veterinary clinic is where we propose that the driveway exit onto West Street.

The original number of units we are applying for is 18. But we are now proposing to eliminate the one single family dwelling so the configuration would be 6 two family structures and 2 three family structures.

A drawing showing the revised layout was distributed.

At the recent town meeting, the Town adopted a bylaw that requires Affordable Housing to be included in any project that is 3 dwellings or more. There is a formula. Our proposal has been reviewed and there would be 3 affordable units.

NOTE – Paul displayed some concept drawings of the buildings.

These are simply for illustrative purposes only. The actual style would be similar to this. There is a requirement that the applicant present plans for the exterior to the DRC. Before we do that, we wanted to make sure that the PB in its initial review was comfortable with the proposed layout of buildings and once they agree, then we will finalize the exterior designs.

Andy – Any questions for Paul?

John Williams – Are there any vernal pools in light green area?

Paul Yorkis – No. ConCom has confirmed the wetlands boundaries.

Gino Carlucci - I have reviewed the application and plan in light of the zoning bylaw to see if it complied. My first comment concerns the purpose of the OSRD bylaw. There are 11 specific purposes listed. The application (narrative) did not address these specifically but I feel they meet at least 8 of the purposes.

I checked eligibility of the parcel. It is in the ARII district; there are 4 contiguous parcels; and a condominium is allowed.

A pre-application meeting is required. That has occurred.

There is a 4 step design process that is required to be followed to determine the resources on the site to be preserved and what areas are most suitable for development. The applicant did demonstrate that the 4 step design process was used.

The bylaw requires a narrative statement to indicate how the proposal meets the general purposes of the bylaw and why this is better than a conventional subdivision. That has been provided.

I did note that the concept plan is required to be prepared by a registered landscape architect. The plan was prepared by an engineer. The plans should be stamped by the landscape architect.

Also I note that the proposal is for an 18 foot driveway with one way traffic only.

The (OSRD) bylaw contains a formula to determine the maximum number of dwelling units. As Paul noted, there is a separate bylaw that requires an affordable housing component. Based on the OSRD bylaw, this site would be eligible for 17 OSRD units. The AH bylaw requires that 15% of the units be Affordable and offers a density bonus of market rate units to offset the affordable units. 3 units would need to be affordable. This proposal is requesting only one additional bonus market rate unit.

I reviewed the open space requirements. 50% of the tract is required to be open space. This concept plan clearly meets that standard. A separate section of the bylaw states that the minimum required amount of open space cannot have a higher percentage of wetlands than the entire parcel has. I calculated the amount to be uplands. 23% of the site is wetlands/floodplains/vernal pools. They are required to have 5.3 acres in uplands. They show 5.71 acres of uplands.

Greg Whelan – David Faist said that the property could generate 21 units/

Gino Carlucci – There is also a requirement for a narrative statement. That was provided.

I had a couple of general comments. The landscape needs to review the concept plan. I suggest he recommend some landscape buffer areas within and around the site. Also, there are some stone walls on the property. They should identify where those stone walls could be moved to. I suggest they be used to form a boundary around the buffer area of the vernal pool to provide a little more protection. Also, significant trees should be identified and saved.

I noted that the elevation plans of the buildings do not match the building footprint as shown on the concept plan.

I suggested that a trail thru the open space be included in the plan

Andy Rodenhiser – Is the application complete?

Gino Carlucci – I did an earlier completeness review and found it acceptable.

Andy Rodenhiser – You mentioned that they meet 8 of the 11 purposes.

Gino Carlucci – Generally they are advancing. I think you could certainly make a case that they meet a minimum of 8 of the 11 purposes.

Andy Rodenhiser - Any questions for Gino?

Paul Yorkis – I have a few comments to make.

First regarding Mr. Carlucci's concern about having the registered landscape architect review concept plan. I would share with members of the board and staff that we have a letter from the landscape architect that he has stamped. His stamp/seal will be shown on a future plan.

Regarding Item #10 in Gino's letter. We have additional recommendations from the landscape architect. What we would like to do is keep the stone walls there that don't need to be disturbed. We would relocate the ones that do not need to be disturbed elsewhere on the site.

With respect to the idea of a trail. We would prefer to not have a trail there at all. Some entities today don't have a formal trail but periodically mow a trail during the season. I would ask you consider a mowed area that could regenerate itself and then another mowed trail at a different location another year, etc.

There are two different kinds of meadows here. Much of it close to Hopping Brook is a wet meadow. More in the middle is an upland meadow. There are different kinds of birds in both areas. I would like to leave it as natural as it is.

Greg Whelan – It is one of the nicest areas on the site.

John Schroeder, 6 River Street, Open Space Committee – We like it when trails are put together that they lead somewhere. I wonder if we could look at this as an easement for a future trail that might run up Hopping Brook and connect with other trails. So perhaps not build a trail at this time, but allow for it. Let's be forward thinking. Also, if we could access to the site, we would like to walk the site.

Paul Yorkis – OK to have access to the site.

Andy Rodenhiser – Perhaps you might be able to meet with the Open Space committee and try to hammer something out. The area that you have designated for open space visitor parking, how would you propose to handle that?

Greg Whelan – We would have to do some sort of trail to get from the parking area out to the meadow area.

Andy Rodenhiser – maybe a bench?

Greg Whelan – Absolutely. A good idea.

Andy Rodenhiser – There was a recent Boy Scout project off of Deerfield Road. It is a very nice resource for the neighborhood.

Jan Fish, FinCom – I would like to speak to the vernal pool. You may want to reconsider putting a stone wall around it. Before you take that action, talk to ConCom.

Andy Rodenhiser – I think ConCom will have something to say about that.

Paul Yorkis – We aren't doing anything there. We are going to leave it alone. The amphibians that may use the vernal pool have been documented to travel as much as 1700 feet. The less obstructions the better. We want to leave leaves/branches for habitat. We literally are leaving it untouched. That is our preference.

Jim Wickis, 74 West Street - I am concerned about the impact that this would have on West Street. I am assuming it will go thru which means maybe 18 families/50-60 more people. West Street is getting busier for walkers and joggers. The street has no sidewalks and no shoulder and it serves as a shortcut from Route 109 to Route 126. To me it would be good to think in terms of sidewalks. Maybe a suggestion would be made to reduce speed limit on the street by 5 miles an hour or to install a stop sign at Granite Street, to reduce danger for pedestrians.

Tina Wright, 2 Memory Lane – I just noted on the other side of the road is where the sewer extension will go. Are we taking any land away from industrial development? Is this residential or is it more natural for industrial use?

Andy Rodenhiser – It is zoned ARII.

Greg Whelan – The animal hospital is just to the right of the exit, opposite Holbrook Street.

Jeff Senson, 60 West – We have a strong concern about the volume of traffic with 18 residences and probably 36 cars. We are very concerned about the impact on us. We live next to the driveway (planned exit). We agree with the concern about West Street not having any sidewalk or shoulder. There are only 50 residences on West Street. This will have a drastic change on the nature of the neighborhood. We ask the board to consider that impact.

Andy Rodenhiser – Something that we should talk about is the history of this site and what has been proposed here in the past. Could you speak to that?

Paul Yorkis – Prior to this application, the applicant had received approval from the Town of Medway (ZBA) to build a 40B project which would have contained 22 dwelling units and would have used up more of the parcel in terms of development than what is proposed now. That was approved about 3 years ago. This application is a little less dense in terms of the number of units but it also provides a greater amount of open space for the community to take advantage of. The open space would be used by folks that live here and for the community at large.

I understand your concerns about traffic. We have received a copy of a letter from the Town's Safety Officer and I will be meeting with him.

NOTE – The letter from Safety Officer Jeff Watson was distributed. ATTACH.

Greg Whelan – I would like to add the thought of the road being 18 feet wide is to slow things down. That is the reason we did that. Regarding sidewalks, I feel as though being one way, it will be a safe road to walk on and therefore sidewalks are not needed here. We could even paint a sidewalk along the road for a 4 foot side area. I don't want it to be a wide runway. I want to encourage people to drive slower.

John Schroeder – Don't you think it would provide a clear walkway?

Paul Yorkis – If you go to the site, there is a greater sight distance with the road exiting where we propose it.

Andy Rodenhiser – I don't think any of us pretend that we will make a decision on this tonight.

Greg Whelan – This is the reason why I changed the site design, to move the houses further away from the closest neighbors.

Reh Berry, 60 West Street - I am a distance runner. It is very difficult for people. I would think about sidewalks. It is a very windy road.

Andy Rodenhiser – I have talked to folks on Holbrook Street. There are kids have to come out of Granite Street and go up to Alder Street for the bus.

Andy Rodenhiser – They will either have to construct a sidewalk (along West Street) or pay into a fund.

Paul Yorkis – I don't know about that.

Karyl Spiller-Walsh – Do you know the paved width of West Street?

Greg Whelan – I don't know for sure. It is narrow.

Karyl Spiller-Walsh – Is there is a 50 foot layout?

Chan Rogers – There is no mechanism to build sidewalk on.

Paul Yorkis – You can't build a sidewalk there because of a vernal pool.

Andy Rodenhiser – But that doesn't mean there can't be a contribution to the sidewalk fund.

Paul Yorkis – That is the case for conventional subdivision, but this is not a conventional subdivision.

Andy Rodenhiser – That is something we need to look at.

Chan Rogers – There are other streets that are similar. Fisher Street is narrower and has more subdivisions on it. We have bad turns there. You cannot expect a developer to step up and build sidewalks where there are none.

Reh Berry, 60 West Street – It is not the same. People don't go as fast on Fisher Street. West Street is a cut off between 109 and Village Street. It is a very different situation.

Andy Rodenhiser – Speed is an enforcement issue.

Paul Yorkis – I was going to make the suggestion. Typically Officer Watson works the 11 pm to 7 am shift. If you do call him in the evening, he would be happy to talk to folks. I would encourage you to do that. He is the person who can influence where radar is set up for enforcement measures.

Andy Rodenhiser – I would second that. He listens well.

John Williams – I am counterpoint to Chan on this. I do think it is legitimate. The development will bring folks to the area. It is well within our rights to talk about fixing an issue that is going to be worse because of the development.

Chan Rogers – I disagree. We cannot disapprove this. Legally, it can't be done.

Andy Rodenhiser – There is room for some type of compromise somewhere.

Karyl Spiller-Walsh – I have a lot of comments and casual observations. What about the actual policing of the one way roadway? How can you police that? Where is the comfort level with this?

Greg Whelan – I don't see there is any real advantage to go opposite the one way route. It is small enough.

Karyl Spiller-Walsh – The buildings on the crest of the curve have diagonal parking. I just can't see that kind of alignment. What about doing mutual driveways between the buildings and lose parking on the street. Put the parking areas to the sides of the buildings?

Paul Yorkis – I don't have an answer, but a response. The longer the driveway we have, the more drainage we have to deal with. We are also concerned about visitor/guest parking. Part of the concept of this is to have housing that is affordable. Those buildings (triplexes) have no garages. I will be glad to talk with David Faist (engineer) to see if he can come up with something.

Karyl Spiller-Walsh – I have a lot of concerns about the diagonal parking. We are not necessarily advocating garages. Consider side parking instead or a bigger visitor parking. I see it as a real danger, backing into the small street. I see it as a visual affront from the street. I would like you to look at that.

Paul Yorkis – We will. We are happy to make the road narrower. The narrower the street, the slower the traffic. This is really one of the questions. This is really up to the Planning Board. One of the things that can happen is that we can put some curve into the roadway/driveway to help slow things down. We will need some guidance from the PB on what we can do. The subdivision regs require more straight roads. Some of our hands are tied based on what you will allow us to do. We are looking at grass swales.



Karyl Spiller-Walsh - I like that concept of a meandering sidewalk internal to the subdivision.

Andy Rodenhiser – Particularly if there is less width in the pavement.

Paul Yorkis - I would rather not have a meandering sidewalk but have a sidewalk along the street. The area that is going to be open space is going to be mowed. It will serve as a common recreation area for the people who live there. There are a lot of different things we can do to be creative. Move sidewalk across the street. Install trees. We need direction from the Planning Board.

Chan Rogers – There are no internal lots?

Paul Yorkis – The open space areas will have a particular ownership and designation thru this process. That will be a separate parcel, ownership to be determined. The developed area is one lot and the maintenance of the infrastructure within the developed area will be the responsibility of the condo association.

Paul Yorkis – We are willing to consider a sidewalk. We are looking at low impact development for the drainage. We are trying to not spend a lot of money to explore things. We want to have a plan that meets the goals of the PB and meets your concerns. We want to have a good design. One of the questions I have is the layout of the dwellings. Other than the parking issue, is that acceptable? If so, we can start to work on building designs.

Greg Whelan – This is what I am getting from this meeting. I am thinking of narrowing the street to 14 feet and having a grassy swale 4 feet wide for a sidewalk. We could adjust from there.

Reh Berry, 60 West Street – There is a 6 foot hedge that gives us some privacy. We want to have a natural barrier.

Greg Whelan – I would be glad to leave that.

Karyl Spiller-Walsh – Don't forget, if you need a better buffer, think outside the box a bit. There are lots of possibilities.

Reh Berry, 60 West Street Neighbor – Is there going to be a retention pond there?

John Schroeder – We have to get back to our meeting. There is a very nice paragraph in the applicant's proposal. It is proposed that the open space be deeded to the town conservation Commission but the maintenance would be the responsibility of the condo association.

Chan Rogers – The duplexes with garages have aprons, but triplexes do not.

Karyl Spiller-Walsh – How do we feel about general layout? I would suggest realigning the buildings to get the parking off the street.

Greg Whelan – I would like to make it all duplexes.

Paul Yorkis – Could we get some direction on the road width and the general layout? If we could get that much this evening, that would allow us to get with the engineer to begin the process of fine-tuning and coming back with a plan or some options. We would like the Board's support to get the layout done so we can figure out the house dwelling part of this.

Karyl Spiller-Walsh – The most crucial element is the internal sidewalk. It is imperative that there be something. And the parking spaces on the street are a real issue. I think one affects the other. What the road width should be I am not so sure.

John Williams – A general comment. I wonder how the board feels about the parking spaces for the open space visitors. It is very close to somebody else's house. I think it would be more approachable if the open space parking was set apart a little bit. Visitors would feel more inclined to use it if it is farther away.

Greg Whelan – I agree.

Andy Rodenhiser – That might address the intensity Karyl was talking about.

Karyl Spiller-Walsh – There are trail systems that link and there is a purpose in them. But I personally think that not all open space has to function as recreational land for the public's use. Some of it can be just open. We have to be careful of visitors. I have lived with public lands behind my house. I think there needs to be a concept. What are they going to do there? Will there be a trail around? How will that effect the development? I don't know if I see a huge advantage in having some trails here. This site is unlike Daniels Village where there were connective possibilities. What do you think?

John Schroeder – What are we doing with OSRD to begin with if we are not somewhat encouraging the use of open space for the general public. If you feel like that cannot be accommodated here, maybe this doesn't fit the OSRD box.

Karyl Spiller-Walsh – Open spaces aren't just recreational; all sites aren't good spots.

John Williams – Would it be more inclined to promote public use of the space by having trails?

Karyl Spiller-Walsh – It seems like a contrivance – 3 parking spaces for visitors. That is very tight. Maybe it could be merged.

Greg Whelan – I have some ideas.

Andy Rodenhiser – If they go and visit with Open Space Committee, we can get a better view of the whole thing and how it can possibly link to the overall open space plan.

Chan Rogers – The idea of reorienting the building to be perpendicular? Does anybody else like that? I think that would be bad to have front, middle and rear units. Parking should be in front of the building and not at one end. The roadway should be directly connected to the parking as a way of organizing the units.

Paul Yorkis – I would like to address a couple of comments relative to open space. John Schroeder indicated earlier that he wanted to check about linking with other open space. We will dialogue with him. There are two different types of open space. I would like to use Idylbrook Park as an example. When the town acquired that land there was a decision to develop the inside for fields but around that entire perimeter is passive open space that provides substantial value. It is possible to have parking spaces and take advantage of passive open space. People walk thru nice vegetated areas without a path.

Andy Rodenhiser – So you are proposing passive recreational as opposed to active. I think that works at this site. We are running out of time this evening. How does the board feel about a narrower pavement? We need to run that by police and fire.

Paul Yorkis – I will do that. Also, we seek to do low impact design - no curbs and berms. We could have some parking spaces along the road.

Andy Rodenhiser – What is your feeling on pavement width?

Karyl Spiller-Walsh – As it stands now, not narrower.

Andy Rodenhiser – And if the parking concerns are addressed?

Karyl Spiller-Walsh – A possibility that I could go to narrower if you go to duplexes. Not 14 feet. OK for 16 feet.

Paul Yorkis – Why?

Karyl Spiller-Walsh – The small subdivisions we have done with reduced width with more than 3 houses are just too narrow.

Paul Yorkis – Are they one way?

Karyl Spiller-Walsh – I just can't see 14 feet for this number of units.

John Williams – I agree with applicant's assertion that a tighter road would reduce speed. But I would like to see a continuous sidewalk

Chan Rogers – One way, 18 feet minimum plus a sidewalk

Andy Rodenhiser – I am OK with less width relative to keeping with low impact development standards. I concur with sidewalks and I concur with changing the parking.

Paul Yorkis – Is a variable width road something you would consider?

Andy Rodenhiser – Be creative. But I am very concerned about shielding the adjacent residents. I want to see you work out the traffic flow issues with Jeff Watson. There needs to be some really good screening to block lights.

Greg Whelan – I agree, I also want to say that I want the road going the other way also. I wanted it to come in from the right and going to the left.

Andy Rodenhiser – Is that sufficient direction?

Greg Whelan – I would like entry to be narrower.

The public hearing was continued to Tuesday, October 28 at 7:15 p.m.

## **OTHER BUSINESS**

### **Country View Estates**

Greg Whelan – We have one pedestrian trail that goes over the sewer easement that hooks Broad Acres to Summer Hill Road. It comes out on Ken McKay's property. It goes right down their side lot line. With the changes in the deeds we have to make (for street acceptance) they would like me to change the pedestrian easement. The pathway is used a lot. They don't have a problem with it as it is. The problem they have right now is that the plan shows a 10 foot pedestrian easement and they want it to be just 5 feet. It is supposed to be walking only; it is a dirt trail. They don't want it to get any larger. It is still a 20 foot sewer easement. But they don't want the trail to be widened to 10 feet. I want you to vote right now that the pedestrian trail can be 5 feet. The as-built plan shows 10 foot. Please think about it.

Chan Rogers – What is on record?

Andy Rodenhiser – We have other appointments waiting, we will have to take this up at another meeting.

Break at 9:00 pm

### **Status Report – 4 Main Street Site Plan**

Bob Potheau – The site work on phase II has been completed. The parking lot is paved, drains are in and as-built plan is done. For the building work, the façade is going to be built next. We put the last pieces of granite. We did a custom railing that would be more suited to the granite walls. It is one piece all welded wrought iron that goes the entire length of the sidewalk. Installation is very soon. It is to be painted and custom fitted to the wall and the façade must be built. And some more landscaping and more flowers. The entire parking lot is paved on phase II and all the drainage has been marked and is shown.

Susy Affleck-Childs – We have received the as-built plans. I need some help on this to review. Somebody from the board or an outside consultant. Also, to look at the letter from the engineer Rick Merrikin.

Susy Affleck-Childs – I believe the decision (May 2008) specified that all work was to be done by September 21<sup>st</sup>, not just the site work.

Bob Potheau – We want to get the fronts done. I knew in May that the building would not be completed. I represented that the building work would not be done until December. I said we would get the parking lot done on phase II and that the building would wait.

Karyl Spiller-Walsh – In looking at this last night in DRC, Mr. Potheau has some good reasons for wanting more signs. It is one lot that functions as 3.

Andy Rodenhiser – Karyl, you are a little ahead of us. We will get to the master sign plan after this.

Andy Rodenhiser – Relative to where we stand now with this project, this has come and gone.

Bob Potheau – I object. If you have a recording of that meeting. I have a very clear recollection of what was discussed.

Andy Rodenhiser – What would you suggest we do? I think we had a similar discussion about this the last time you were here.

Bob Potheau – We are not going to get an occupancy permit for the building until the building inspector inspects. There are 2 people working on this on a daily basis. I represented that I would have an as-built and the site work done by September 21. We are trying to do the best we can. I fully know what was discussed. We never expected the façade to be done by 9/21. That has come and gone anyway. The most important thing is to keep it moving forward.

Andy Rodenhiser – What are you asking for?

Bob Potheau – I have completed the site work. Look at the as-built plan and then let's discuss again. I would like to suggest it might only be a brief meeting. I don't expect the façade to be done until next May.

Andy Rodenhiser – There are aspects of this decision (May 2008) that are not in compliance at this time. Are either one of you (Chan and Karyl) prepared to extend the completion date?

Chan Rogers – What is missing?

Andy Rodenhiser – The façade of the building is not completed. The front of the building is off. It was supposed to be completed by 9/21. I am remembering a similar conversation in the past. This is a pattern. There is complete disregard for dates continually. This goes back over a great deal of time. It seems like dates comes and go.

Karyl Spiller-Walsh – This is not my favorite building. The landscaping is nice. It does seem as though it is creeping along and in good faith. I would recommend an extension for completion.

Karyl Spiller-Walsh – I move we extend the deadline for completion for all work (site improvements and building of phase II until \_\_\_\_\_.

Chan – I don't see any advantage here.

Andy – There is a guy in the back/lower level that is a car wash that got an occupancy permit before the façade was done.

Bob Potheau – The materials are there for the façade. We are doing the railing and the façade. What choice do we have? Do we swim forward?

Andy – everything related to this decision for the deadline

Bob Potheau – I am asking the board for some further explanation. Can we put this off?

Karyl Spiller-Walsh – I withdraw my motion.

John Williams – Do you want us to do that?

Bob Potheau – I would like to postpone my answer. I would like to continue this to another time.

Andy Rodenhiser – Find out when the work will be done. When you come back, Bob Tucker will be here.

Karyl Spiller-Walsh – It better be realistic.

Chan Rogers – There is no advantage to forcing you to not finish.

Andy Rodenhiser – He already has a building permit. He can't get a building permit for the build out. He is not going to stop working on it.

It was agreed to discuss this again on October 14<sup>th</sup>.

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## **4 Main Street Master Sign Plan**

Bob Potheau - In the zoning area we are currently in and for this type of multi use dev, the town of Medway has certain sign guidelines for multi use developments. It suggests a master sign like at Medway Commons and then a directory sign near the businesses. The maximum height of a primary development sign is 12 feet. The common thing with that kind of multi tenant development is that every interior driveway is connected. You can access internally. The topography of my place is such that we have 3 driveways. It is just under 2 acres. The driveways are not connected. To have a sign that big would dwarf the buildings. One common development sign creates a traffic hazard.

Andy Rodenhiser – The driveways used to be connected and you have created this thing in front.

Bob Potheau – What I am proposing with a master sign plan is to not have a larger primary development sign, but to have one sign at each driveway (3).

Andy Rodenhiser – How does it not comply?

Susy Affleck-Childs – The bylaw allows for one development sign per street frontage.

Chan Rogers – Do we have the legal authority to resolve this?

Bob Potheau – When I first came to you, there was no requirement for a master sign plan with the site plan approval. We have a sign problem. I am in great favor with all the changes to the sign code. So, I want input from the Design Review Committee and I want input from the PB on what would be best. Only the ZBA can grant relief. We are looking for a recommendation for how you feel about this. I am looking for input.

Andy Rodenhiser – Has the DRC looked at this?

Susy Affleck-Childs – We received an email communication today. ATTACH.

Andy Rodenhiser – What is left to do on the site?

Bob Potheau – We need to address the middle building in some fashion. I would like to knock that down.

NOTE – Susy Affleck-Childs presented an outline of comments and suggestions on the proposed master sign plan.

John Williams – I think the board is very fortunate to have Susy spend this time and depth to work on this. I would like to see the façade on the building to see where the units are for the wall signs.

Andy Rodenhiser – I want an agreement on what is going to happen to the whole thing. Whether it is a modification. Whether the middle building is going to stay or go. We need to deal with very strict interpretations and written agreements. I don't want to deal in abstracts. It doesn't seem to work. It is out there with all kinds of grey and fuzzies. I want definitives.

Bob Potheau – My signage as a master sign plan for the entire property of 500 feet is all that I am proposing for signage. That is all the signage that I would propose for the property, no matter what I would do with the middle. I would like the board to look at this. I am looking for your opinion.

Chan Rogers – Is your proposal valid for the future development of the site?

Andy Rodenhiser – What is the status of the house? What is going to happen to that?

Bob Potheau – I live in that house. Nothing is going to happen there. We need to take a look at the approved site plan.

Chan Rogers – I would suggest we put this off until the applicant digests the DRC comments. Let's look at doing this on October 28.

Andy Rodenhiser – We can make a recommendation based on the premise that nothing is going to happen to that (middle) building. If he intends to do something in the future, well that may or may not happen.

Chan Rogers – I suggest we postpone this a few weeks.

Bob Potheau – I don't believe that I can come up with a plan for what will happen with that (middle) building in 2-3 weeks. But I can have a discussion in several weeks. I expect I will ask for the building to be demolished. That is a decision that is difficult for a property owner to make to demolish a nonconforming building. I am willing to live with a master sign plan that will be set in concrete. I am willing to address it over the winter. We need some engineering to look at the building and options. The Design Review Board would want some say so if there was a new building.

Andy Rodenhiser – The value of your rents would go up dramatically if you were to do a new building.

Karyl Spiller-Walsh – Have you ever thought of eliminating that building and taking down the house and doing a new building with housing above?

It was agreed to discuss options for the middle building on October 28<sup>th</sup>.

NOTE - Bob Potheau showed an example of the flower design to be included on the top of the signs.

Passed out inspection reports for ICE and for Birch Hill

## **Other Business/Reports**

Susy Affleck-Childs – I was at the BOS meeting last week to start the roadway layout process. Some conflict has arisen on street acceptance for Freedom Trail and Independence Lane (Ishmael Coffee Estates) with the Conservation Commission. Jurisdictional questions. ConCom is opposed to the streets being accepted. Apparently there is a superseding Order of Conditions from Mass DEP.

Andy Rodenhiser – Everybody has been made aware of it. The BOS, ConCom, Suzanne, Dave Travalini.

Andy Rodenhiser – I had gone before the selectmen the week prior and they are going to enter into negotiations with the Williams to form a public private partnership re: the development of the bottle cap lots.

Andy Rodenhiser – Susy and I met with Hal Davis from New England Economic Development. They helped do the TIF agreement for AZIT. He told us about the idea of a master TIF agreement for priority development sites and some pending legislation (40T) -

NOTE – Send out information on TIF to PB members.



Susy Affleck-Childs – We are soliciting members for a new economic development committee.

Susy Affleck-Childs – I am working with the Affordable Housing Committee. They are proposing the use of town owned property at 9 Walker Street for affordable housing, perhaps with Habitat for Humanity.

John Williams – It would be better to try to find a previously developed lot that has an eyesore vs. opening up an undeveloped piece of property in town.

Andy Rodenhiser – Some of the selectmen believe the lot should be sold for cash.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to adjourn the meeting.  
APPROVED.

The meeting was adjourned at 10:20 pm

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

## Opening Comments - Williamsburg OSRD Public Hearing

Andy Rodenhiser  
9-23-08

Good evening,

We will now open the public hearing for the proposed Williamsburg Condominium development to be located at 66-72 West Street. The applicant is Broad Acres Management Trust and they are seeking an Open Space Residential Development special permit and an Affordable Housing special permit.

For the benefit of those present in the audience, I would like you to be aware that this meeting is broadcast live on local cable access.

I am Andy Rodenhiser, chairman of the Planning Board. I would like to introduce my fellow Planning Board members who are here tonight – Karyl Spiller-Walsh to my right and Chan Rogers and Associate member John Williams to my left. Also at the table with us are Gino Carlucci, our planning consultant, and Planning Board Assistant Susy Affleck-Childs.

The legal notice for this public hearing was published in the *Milford Daily News* on September 9 and 15. Copies of the public hearing notice are available for your review.

The public hearing notice was sent by certified mail to the owners of property in Medway located within 300 feet of this property.

May I have a motion to dispense with the reading of the official public hearing notice?  
Thank you.

I would like to review with you how the public hearing will proceed.

The applicant's representatives will introduce themselves and make a brief presentation to describe their proposed development project.

That presentation will be followed by questions from the Planning Board.

Our planning consultant, Gino Carlucci, will summarize his review comments and questions.

Then the public will have its opportunity to speak. All speakers and responders will be recognized by the chair. Please raise your hand. When called upon, please stand, state your name and address so our secretary can have accurate information for the record. You may offer comments, ask questions, or read a prepared statement. If you have a prepared statement, please provide a copy to our secretary.

Any comments or written communications from Town staff or other boards will then be entertained.

As we proceed, if anyone has a specific question for the applicant or his representatives, I will allow the applicant's representative to respond.

We will then return to Planning Board members for comments and further discussion.

Planning Board Meeting Minutes 9-23-2008  
Approved 10-14-2008

Based on the information gathered and comments received tonight, we will determine our next steps. Most likely, we will continue the public hearing to a future date and time.

With that, let us begin.



**TOWN OF MEDWAY**  
**Planning Board**  
155 Village Street  
Medway, Massachusetts 02053

*Andy Rodenhiser, Chairman*  
*Robert K. Tucker, Vice-Chairman*  
*Cranston (Chan) Rogers, P.E., Clerk*  
*Karyl Spiller Walsh*  
*Thomas A. Gay*  
*John W. Williams, Associate Member*

*September 3, 2008*

***TOWN OF MEDWAY PLANNING BOARD***  
***NOTICE OF PUBLIC HEARING***

***Williamsburg Condominiums - Open Space Residential Development (OSRD)***  
***Application for OSRD and Affordable Housing Special Permits***

In accordance with the Medway Zoning By-Law, Section V. Use Regulations, Sub-Section T. Open Space Residential Development (OSRD) and Sub-Section X. Affordable Housing and the provisions of Massachusetts General Laws, Chapter 40A, Sections 9 & 11, notice is hereby given that the Medway Planning Board will conduct a Public Hearing on ***Tuesday, September 23, 2008 at 7:15 p.m. in Sanford Hall at Town Hall, 155 Village Street, Medway, MA***, to consider the application of Broad Acres Management Trust of Millis, MA for an Affordable Housing Special Permit and an Open Space Residential Development Special Permit and Concept Plan entitled *Williamsburg Condominiums Open Space Residential Development Special Permit Concept Plan* dated August 20, 2008, prepared by Faist Engineering of Southbridge, MA.

The applicant proposes to develop an eighteen (18) unit condominium community on a 13.86 acre site at 66A, 70, 70R and 72 West Street. The property is located on the north side of West Street across from Holbrook Street in the ARII zoning district. Owned by the applicant,

the site is comprised of four (4) parcels - Medway Assessors Map 2 - Parcels 7B, 6-1-B, 6-1-2, and 6-1-3. On site features include wetlands, a tributary to Hopping Brook, a vernal pool, wooded areas, open fields and stone walls.

Telephone: 508-533-3291      Fax: 508-533-3287  
email: [medwayplanningboard@townofmedway.org](mailto:medwayplanningboard@townofmedway.org)

The proposed development is to be comprised of three (3) triplex buildings with nine (9) townhouse units, four (4) duplex buildings with eight (8) townhouse units with attached garages; and one (1) detached single family home. Three (3) of the eighteen (18) units will be affordable. Units will have 2-3 bedrooms. The proposal includes stormwater drainage facilities including low impact features, sub-surface infiltration systems and surface storm water basins. The proposal includes approximately 8.7 acres of dedicated open space to be publicly accessible. Site access from West Street is proposed to be provided via an eighteen foot (18') wide U-shaped one-way private driveway running approximately 1134 linear feet.

The applications and plans for the Williamsburg Condominium Open Space Residential Development Special Permit and an Affordable Housing Special Permit are on file with the Medway Town Clerk at the Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m.

Any person or party who is interested or wishes to be heard on this proposal is invited to review the plans and express their views at the date, time and place so designated for the public hearing. Written comments are encouraged and may be forwarded to the Medway Planning Board at 155 Village Street, Medway, MA 02053 or emailed to:  
[medwayplanningboard@townofmedway.org](mailto:medwayplanningboard@townofmedway.org).

Andy Rodenhiser  
Planning Board Chairman

To be published in the *Milford Daily News*: Tuesday, September 9, 2008  
Monday, September 15, 2008

cc: *Planning Boards* - Bellingham, Franklin, Holliston, Milford, Millis and Norfolk

Planning Board Meeting Minutes 9-23-2008

Approved 10-14-2008

*Medway Town Officials/Departments* – Board of Selectmen, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Community Preservation Committee, Conservation Commission, Design Review Committee, Fire Department, Police Department, Public Services Department, Town Administrator, Water/Sewer Department, Zoning Board of Appeals.

## Medway Police Department

315 Village Street  
Medway, MA 02053

Phone: 508-533-3212  
FAX: 508-533-3216  
Emergency: 911

Allen M. Tingley  
Chief of Police

September 23, 2008

To: Medway Planning Board

From: Sgt. Jeffrey W. Watson  
Safety Officer

Ref: Williamsburg Condominiums

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I have taken the time to look at the "Williamsburg Condominiums" special permit concept plan. The following would be my concerns and or recommendations regarding the plan.

1. I have a concern with the flow of traffic. I would like to see the flow go in the other direction. The way it is currently set up has traffic exiting onto West Street just past a bend. I have concerns that the vehicles traveling West Street would not see the vehicles exiting the private way in time as they come around the bend. If the flow was reversed there would be more sight visibility and would not interfere with the flow of traffic.
2. I also have a concern that there are no proposed sidewalks. This would cause a safety issue for those residents wanting to walk, also those children who have to walk to West Street for the bus stop.
3. I would also like to see two extra "one way" signs be placed inside the complex.
4. The signs that are marked and proposed for stops, speed, caution children, do not enter, and one way are all in the proper area.

If you have any questions please contact me.

**From:** Jacob, Gary [gary.jacob@shawgrp.com]

**Sent:** Tuesday, September 23, 2008 4:18 PM

**To:** Susan Affleck-Childs

**Cc:** Beth McDonald; Master Plan. Committee; Gary Jacob ; Gwen Hendry; Julie Fallon ; Karyl Spiller-Walsh; Matt Buckley ; Rachel Walsh; Susan Affleck-Childs; Beth McDonald; Tortorello Katie; Kelli Ployer

**Subject:** Medway Planning Board - 4 Main Street sign recommendations  
Medway Planning Board

At its September 22<sup>nd</sup> meeting, the Design Review Committee (DRC) was asked to review a submittal by Robert Potheau of 4 Main Street (Route 109 at the east end of the Town of Medway. This submittal consisted of a Master Signage Plan and three (3) individual sign applications. The three individual sign applications were for free-standing – Multi Tenant Development signs.

As the size, style, placement and number of free standing signs was very much dependent on the requirements of the overall Master Signage plan, we spent much of our time discussing the master plan. Mr. Potheau explained to us that, unlike a traditional commercial development, the site has three separate curb cuts each servicing separate independent portions of the site. He also explained to us that, because of the heavy traffic issues on Rte 109 the safety of patrons tuning into and moving between the three different portions of the site was an issue.

After a lengthy discussion the DRC decided to make the following observations and recommendation to the Planning Board:

- As it is not the role of the DRC to approve or disapprove the Master Signage plan presented by Mr. Potheau, and although we generally approved of the sign design and appearance of the three individual signs, without an approved Master Signage plan the DRC can not yet act on the application of the individual sign applications.

That having been said, the DRC also makes the following observations and recommendations regarding the Master Signage plan:

- The development in question is not a typical development as envisioned by current Medway Zoning Bylaw, as it predates the regulations;
- Developments created under current zoning would generally have a well defined primary entrance, with the possibility of a well thought out secondary entrance, as does Medway Commons;
- With a primary entrance, the site would logically have a primary ‘development’ sign and could then have secondary directory signs, as appropriate;
- Without a primary entrance and considering the inability to move from one portion of the site to another and the traffic safety issues on Rte 109, this site clearly needs an approach not covered by the typical interpretation of the current sign regulations;
- That being the case, we recommend that the Master Signage plan being presented by Mr. Potheau be approved with the following additional considerations;

- It should be agreed that no more than a total of three (3) free standing signs be allowed for the entire development, even if additional structures are added or otherwise made available in the future;
- If plausible, one of the three signs along the road could be considered as a single sign for a single business, this being Metro West Auto; the other two signs could be considered as a primary development sign and a secondary development sign;
- Consideration be given to reducing the size of the wall signs mounted directly on the individual places of business to compensate for the large size of the primary / directory signs along the road.
- This agreement would have a life expectancy of at least 10+ years.

**Gary A. Jacob, PWS, CPESC**

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## **Medway Planning Board Meeting October 14, 2008**

**PRESENT:** Bob Tucker, Chan Rogers, Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay  
Gay, John Williams

**ALSO PRESENT:** Susy Affleck-Childs Planning Board Assistant  
Mark Louro, VHB, Inc.  
Gino Carlucci, PGC Associates

Chairman Rodenhiser called the meeting to order at 6:47 pm

**Citizen Comments** – None

### **Speroni Acres Subdivision**

Lou Caccavaro, attorney for Owen Sullivan  
Owen Sullivan, developer

Lou Caccavaro – I am the attorney for Owen Sullivan. Thank you for having us. Mr. Sullivan came to me about a year ago and asked for assistance in getting his performance bond released. What I thought best to do was to send a statutory notice to the town asking for you to tell us why you think we are not ready. Since then, we have had a number of exchanges as to what the issues are to satisfy you to release the bond and street acceptance. I think I sent correspondence to Susy Affleck-Childs back in February.

Susy Affleck-Childs – I had understood that you wanted to speak with the PLANNING BOARD about the recent construction inspection invoice that I had sent to you.

Andy Rodenhiser – There is a letter from you dated September 16<sup>th</sup> asking to meet with the board about the invoice. What is it that you take umbrage with?

Lou Caccavaro – What is left to be done is a review of the drainage study and plans by your engineer. That should only be a few hours. And for town counsel to review documents. Do you want to confine our discussion to just the monetary questions? I was hoping to take a global view of the project.

Bob Tucker – If we start on the monetary, it will get back to the global status.

Andy Rodenhiser – The concern of the Planning Board is that there needs to be at least \$3,000 maintained in the account.

Mark Louro – Typically we prepare an estimate of my understanding of the work that needs to be done. We also consider the history of work to be done. If there is a scope issue that you feel doesn't apply, I would be glad to adjust it.

Lou Caccavaro – My hope was to come in and talk about the issues globally. This has been pending for 10 years. I want to find a non controversial way to deal with this.

Andy Rodenhiser – There has been plenty of correspondence with the town. The Town has to put forth the money to pay the consultants. This is a rule that is being applicable to all subdivisions.

Lou Caccavaro – Are the issues appropriate (to the amount invoiced)? We respectfully suggest not. The only thing that is left is for the engineer to look at the report. All these things that are in the invoice, I don't know why. I don't know why this is an adversarial relationship.

Andy Rodenhiser – This is 10 years old and it is not done.

Susy Affleck-Childs – Mr. Sullivan's record on paying bills is not stellar.

Andy Rodenhiser – You characterize that this is adversarial thing when in the first instance tonight, you said you made the application under provisions of state law.

Susy Affleck-Childs – Mark has indicated we could eliminate the bond estimate and inspection as long as Mr. Sullivan does not want a bond reduction.

Lou Caccavaro – I did under state law what I am required to do.

Susy Affleck-Childs – He is correct. It is just that that process is not what this board is used to. WE have been thru this a lot with other attorneys.

Lou Caccavaro – I apologize for my predecessors. My hope is to come in and extend to you our offer to do what you want us to do. We will pay the appropriate costs.

Bob Tucker – We could take out \$1035 of the invoice for a bond reduction. I don't see any other wiggle room.

Andy Rodenhiser – Is your client amiable to reducing the amount by \$1,035?

Lou Caccavaro – I would like to discuss with him tomorrow and then register our decision. We will correspond tomorrow with you.

### **Request for Bond Reduction – Ishmael Coffee Estates**

Paul Yorkis, representing Granite Estates, Inc.

Mark Louro – The only outstanding issue is related to Parcel A.

Andy Rodenhiser – Paul and I had a conversation. He was upset with the outcome of how to handle Parcel A. There are endorsed plans that show Parcel A as an open space parcel. The subdivision decision said Parcel A was not to be open space. One idea is for Parcel A to be included as part of the roadway layout so it is not a stray piece of land but then it would need bounds located and legal descriptions changes.

Paul Yorkis – The applicant doesn't care what happens to the parcel but it has financial impact on the applicant. If it is to become part of the roadway layout, new bounds have to be installed and now you are escalating a cost and there is not a lot of free cash floating around.

Karyl Spiller-Walsh – What was the intent for Parcel A?

Mark Louro – Initially parcel A was going to be conveyed to the adjacent property owner (Mrs. Bates). But that would make her lot not conform to current zoning so we didn't want to do that.

Paul Yorkis – Are the bounds required?

Marks – A bound is required at all curvature points.

Bob Tucker – They would have to be there.

Mark Louro – There is only one bound now. IF Parcel A is made part of the roadway layout, they would have to install 3 bounds and the plans would need to be revised and the legal description changed.

Andy Rodenhiser – Could we accept a waiver on this requirement?

Bob Tucker – Who owns parcel A?

Paul Yorkis – Granite Estates Inc. We are trying to be responsible and at the same time, it is expensive what we are being asked to do.

Gino Carlucci – Why not have the Town accept it as just a parcel of land, not as “open space”?

Paul Yorkis – ConCom does have responsibility for some open space but not all open space.

Andy Rodenhiser – Could we recommend that parcel A be owned by the town just as land, not as open space?

Chan Rogers – I recommend we accept parcel A as property, but not as “official open space”

Bob Tucker – Is everything done?

Paul Yorkis – We are gathering letters from town boards/departments.

Mark Louro – How do we want this to show on the as-built/street acceptance plan?

Susy Affleck-Childs – Parcel A is not to be designated as open space parcel.

Mark Louro – I have also asked them to show all the easements on the as-built plan. There is plenty of room. I think there was a concern that there wasn't enough room. All street acceptance plans should show the easement lines. They need to be defined.

A motion was made by Bob Tucker, seconded by Chan Rogers to reduce the Ishmael Coffee Estates subdivision bond to \$40,000. Unanimously approved.

Andy Rodenhiser – Are you resolving issues with ConCom on Parcel D?

Paul Yorkis – That is in progress. We are trying to please all boards in the community.

**Public Hearing – Site Plan Modification – The Little Gym, 74 Main Street**

Arthur Gould – NACOB KNOLL Realty Trust, property owner

Jeff Harrington – The Little Gym

NOTE – Attach public hearing notice.

Andy Rodenhiser – I call the public hearing open on the Little Gym site plan modification. Does anybody have any questions? Has the DRC commented?

Susy Affleck-Childs – The DRC met with them, but we have not yet received the DRC's letter of recommendation.

Karyl Spiller-Walsh – The DRC had made some comments before in June 2007 (based on an informal discussion at that time). Mr. Gould is happy with the design using the dormered peaks. There were some comments on the concrete wall and wanting them to make it into something or face it or do some plantings.

Arthur Gould – We believe the plans as drawn will enhance the center itself and make it prettier.

Andy Rodenhiser – Gino Carlucci and I met with the Goulds about the overall CI plan and there is some receptiveness on their part. There is a lot of positive stuff happening and they are amiable to the idea of a cut thru road to connect out to the bank's property and out to Holliston Street.

Gino Carlucci – I faxed my review letter to the Goulds.

Karyl Spiller-Walsh – Are you proposing additional signage?

Arthur Gould – No. I think that sign will stay as is. We wish it would be more visible.

Jeff Harrington – Nothing is to be done on the gable end.

Arthur Gould – We are looking into some other avenues for the concrete wall - removal, veneer or do nothing. It is under advisement.

Karyl Spiller-Walsh – That is an opportunity there. It would look a lot better.

Arthur Gould – When the solarium was new, it looked good. But it has become hot in summer, cold in winter, and leaks all the time. Each year it becomes more offensive in appearance.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to approve the plan as submitted. Unanimous approval.

Bob Tucker – When do you expect to build?

Jeff Harrington – I want to pull permits before Christmas. When can this be filed?

Susy Affleck-Childs – You could vote on written decision at the next meeting – October 28<sup>th</sup>; I could file it the next day then there is a 20 day appeal period before we can endorse plans.

It was agreed to hold a special meeting on October 21 to vote and approve a decision.

Jeff Harrington – I have waited a long time here.

Andy Rodenhiser – We are trying to smooth out the process and to have a single point of contact to go thru. We are in that process now. There are still some modifications that need to be made to Susy's position. Once those changes occur, it was intended to eliminate some of the cracks that people fell into. Please accept my apologies for whatever discomfort this caused you. We are trying to make the process better.

A motion was made by Chan Rogers, seconded by Bob Tucker to close the public hearing. Unanimously approved.

Susy Affleck-Childs – By having an extra meeting on October 21<sup>st</sup>, I can file the decision on October 22.

Tom Gay – This doesn't change the roads; there is not a change in footprint, or square footage. This seems like an awful lot of process to make a minor change.

Bob Tucker – We had another example Verizon to just change a door.

Karyl Spiller-Walsh – We did spend a lot of time in the informal discussion (June 2007). We talked about the façade and what it could be. We thought it was an opportunity as it faces the street. They came up with a simple solution, not offensive.

## **Other Business**

### **Roadway Layout Recommendations**

Susy Affleck-Childs – I recommend the Planning Board approve laying out the roads for Freedom Trail and Ishmael Coffee Estates as shown on the recent as-built/street acceptance and recommend such to the Board of Selectmen.

A motion was made by Bob Tucker, seconded by Chan Rogers recommend roadway layout for Freedom Trail and Independence Lane. Unanimously approved.

### **Commercial District I – Training Re: 40R**

Andy Rodenhiser – We had talked about doing a workshop for DRC/PB/Bottle Cap Task Force – a day long workshop on a Saturday to teach us about 40R/S and form based code so we can be more informed.

Susy Affleck-Childs – I have a proposal from Concord Square Development to conduct such a workshop for around \$8,500.

Karyl Spiller-Walsh – We need to learn about what it is, does, and then the PLANNING BOARD can move forward.

Bob Tucker – Susy did tell us there is a lot of info on the internet. There is a plethora of information.

Susy Affleck-Childs – I would want you to do some reading before the workshop.

Andy Rodenhiser – We can them to provide us with a suggested list of reading.

Bob Tucker - Do we need to get bids?

Gino Carlucci – Under \$5,000 you can use your own judgment.

Karyl Spiller-Walsh - Who is this firm (Concord Square Development)?

Andy Rodenhiser – I have seen Angus Jennings at CPTC workshops. They have helped towns put together 40R districts. They will do the workshop for less than their cost. They would hope to curry favor with us to be the front runner in the future.

Bob Tucker – We would be foolish not to do it.

Karyl Spiller-Walsh – We need to get the knowledge.

Susy Affleck-Childs – I recommend we direct \$1,000 for the workshop - \$500 from our general fund contracted services and \$500 from Priority Development Fund grant for the Medway Town Center overlay.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to approve spending \$1,000 for the workshop. Unanimously approved.

### **Community Preservation Committee Report**

Bob Tucker – The CPC discussed 9 Walker Street as a possible site for AH. We need to go take a look at it.

Susy Affleck-Childs – The Affordable Housing Committee made simple request to CPC for \$500 for title work on the property, hopefully to verify that the Town owns it.

Bob Tucker – The committee is looking at whether it is a buildable lot.

### **Public Hearing – Zoning Bylaw Amendments**

The public hearing was opened at 8:02 pm.

Karen Johnson, Charter Realty and Development – We are developers of Medway Commons. I am here to discuss Article 20. Susy Affleck-Childs was kind enough to send us the proposed district change (from Commercial VI to Commercial I). The area is essentially Medway Commons and 3 small parcels at the corner of Main and Holliston. First, I just have a question. Why is this being proposed for a change?

Andy Rodenhiser – It was our intention to clean up what was disparate and no apparent reason to have varied zoning districts. We want to make it easier to develop.

Tom Gay – It seemingly made no sense to have varied commercial districts.

Karen Johnson – We would like to give you our perspective. I applaud your efforts. You have made a tremendous amount of progress in the past few years with process improvements. My only reservation is how this may have a detrimental effect on Medway Commons. What we have right now is a site plan approval and we have gone thru 3-4 different iterations (modifications) of your bylaw. We have built out our property under that site plan approval. By making these changes, it creates nonconforming conditions for us on the property. Specifically, even though a “shopping center” was added several years ago to be allowed as a special permit, we were approved before that. The new commercial designation provides for drive thrus as a special permit. Now our two drive-thrus become pre-existing nonconforming uses. However, there are things that happen over time, when you lease a property for awhile. When you go to refinance, you have to redo a zoning analysis. This change creates another level of uncertainty for us. I think my primary concern here is that we were not made aware of the changes in the Commercial I zone that you sponsored last spring and now you want to apply them to our property. We oppose the wholesale change from Commercial VI to Commercial I but we like some of the provisions you have done - positive changes with the parking standards. We didn't have any opportunity to comment on the changes during the spring. So do we support the change in designation? No, we do not support the change because we didn't have the opportunity to comment on the new Commercial I provisions.

Andy Rodenhiser – What do you find problematic?

Karen Johnson – The drive thru issue. Whenever you deal with a special permit, it is a whole different dynamic. The other issue is that you have a PLANNING BOARD process for site plan approval but then a special permit process with the ZBA. I would suggest that you have the special permit authority rest with the PLANNING BOARD. You make the use operational with site plan standards. It is also hard to take a use that was accessory and now make it a special permit. What are the criteria for a special permit review for drive thrus? Some towns have strong concerns about stacking distances, the location of menu boards, stacking lanes, etc. In some cases, you may have drive thrus that are not covered by a DRC review and you need to deal with noise, etc. In terms of how it effects us. The changes made certain things we have today nonconforming. That creates problems for us down the road. I understand the desire, but what do you really gain by changing it?

Andy Rodenhiser - Uniformity and ease. I don't think we want to do it at the expense of a hardship on you guys, but at the same time, is the greater good being served.

Karen Johnson – In the Commercial VI district right now, you have a 50 foot buffer requirement along the southern perimeter. You would lose that provision with the new Commercial I. I understand the desire to clean up, but you need to take a closer look at this. However, we thought some of the newer allowed uses were a benefit.

Karyl Spiller-Walsh – As future potential development concepts, did you find the setbacks for the corner properties OK?

Karen Johnson – Our only interest in those parcels at the corner would be to add to them to our site.

Karyl Spiller-Walsh – One of the things we haven't flushed out completely is that we have a new regulation about building height, to allow 60 feet to encourage architectural variety. Could that mean that those 3 buildings on the corner could go that high?

Tom Gay – The 60 feet height still has to meet lot coverage requirements.

Andy Rodenhiser – I happen to agree with you about drive thrus special permits. It would be better to link them to PLANNING BOARD review.

Tom Gay - We are playing advantages and disadvantages. We like the better parking and more occupancy. If the process can improve at the next iteration that would still give some consistency throughout.

Karen Johnson – We weren't part of that earlier process of discussing the new Commercial I. We are not in favor of changing the district. Is it really a consistent commercial district throughout? There is less depth on the commercial district on the west side of Holliston Street vs. the east side. The Commercial VI district as it exists today is very different. We do have more depth here. The character of the development is distinctly different. Sometimes uniformity makes sense when you have similar areas. But in the older commercial district you have older developments and more nonconformity. You may want to provide incentives to upgrade the Commercial I.

Andy Rodenhiser – The zoning that this board proposes is to try to move a vision forward and the fact that these are small parcels doesn't mean that somebody won't buy up the corner. We don't want to be the stopping board; we want to be the economic development board.

Karen Johnson – You may want to do different things in different area. We just don't want change. For us, any change that is perceived to take away or change our rights is seen as problematic.

Karyl Spiller-Walsh – It creates a hardship for you?

Karen Johnson – It creates difficulties and inconsistencies for us. It creates problems for us if we had to go to refinance or sell our lease. If you had to look at it and pull back, why really have one uniform district when you have distinctly different types of development?



Andy Rodenhiser – Say it is 6 months from now and town meeting time. The area is now Commercial I. What would you say to us about how Commercial I should be fixed?

Karen Johnson – Now you have a site plan process with design review. When you take a completely separate process with the ZBA for a special permit, you lose out when the special permit and the site plan are not connected. The ZBA is not part of the site plan discussions. I would suggest you keep it as a separate district. The benefits we see in the new Commercial I are the parking and broader uses.

Susy Affleck-Childs– I think Karen is saying they would like to see Commercial VI tweaked a bit, especially for parking.

Karen Johnson – You might want to have a standard that all drive thrus need to have special permit and then establish drive-thru special permit standards.

Karen Johnson – Special permits are recorded. It creates clarity and certainty and that is what you want.

Andy Rodenhiser – I believe Joe Musmanno feels that applicants prefer a disinterested third party to issue the special permits and that it isn't good to combine special permits with site plan review.

Karen Johnson – The best comparison is where you were 3-4 years ago. We spent so many months going over site plan issues with you and then it went to the BOS (for the final decision). So much is lost between the 2 boards. You are supposed to be looking at a use thru the special permit process but you cannot take land use and separate it essentially from performance standards as well. I just wanted you to understand where we are coming from.

Susy Affleck-Childs – Are you communicating directly with the Cassidy family about this matter?

Karen Johnson – We have not yet.

Chan Rogers – Who do you represent??

Karen Johnson – There is an underlying fee owner (Hidden Acres Trust/Cassidies). We have a long term ground lease for 20 acres. We are the landlord.

Karyl Spiller-Walsh – I appreciate your insight and clarity.

Karen Johnson – I can put it in a letter for you if you want.

Chan Rogers – I would like to point out that the solution may not have to be achieved before we pass this at town meeting (11/10/08). There is plenty of opportunity to refine what we have done, assuming it passes.

Karen Johnson – I will only say, I don't think this is accomplishing what you are trying to accomplish. By passing it, you are pushing at the edges. From our perspective, it does create

problems for us. We would be glad to help you rewrite commercial VI or to tweak Commercial I.

Chan Rogers – I feel you have made a good point that we need to make some changes. I would like to do that after town meeting. I don't feel it is a fatal flaw in what we are trying to do. I feel that would be backing off our initiative to postpone this.

Karen Johnson – Once it does pass, what momentum will there be to fix things for spring town meeting?

Chan Rogers – I feel we can make adjustments later.

Tom Gay – I think the momentum is there. We went this far to clean up fragmentation and then we can address new items next time.

Karen Johnson – My only comment is do you really feel from a planning perspective that what you have on the west and east side of Holliston Streets really uniform? It is newer (on the east side). There may be things you would want to do in Commercial I. How do you encourage owners to make some improvements without having to comply with current standards if something was built new?

Susy Affleck-Childs – That is what the proposed town center overlay is all about.

Andy Rodenhiser – Does the board have any other questions?

Karyl Spiller-Walsh – I think the board has to consider in recommending this change what we have to gain with what she says she will lose.

Chan Rogers – I feel a temporary interruption with this would set us back. I feel that your issues are minor compared to what we are trying to achieve.

Karen Johnson – I understand your perspective. It is only our property and 3 other very small parcels. I am not seeing what you gain in the short term by making this change.

Chan Rogers – I don't see a change that can be tweaked at this point.

Andy Rodenhiser – Could you give us a bullet list of negatives and then a separate list, if you are to be in Commercial I, what would you want to see? We appreciate your input and coming out here tonight.

Andy Rodenhiser – We will pause the public hearing at this time. There is no one else to comment. We will return to it after we finish up some other business.

NOTE - 8:45 pm – The tape stopped recording.

***Country View Estates/Broad Acres Estates – Status Report of Road Conveyances***

Mary Lou Whelan

Ted Cannon, attorney

Mary Lou Whelan - Out of the 24 parcels (on Stable Way) we have 22 deeds (to convey part of land back to Greg for the road). Diane Borgatti has not yet given her deed. She feels she is losing frontage, she wants confirmation from Barbara Saint Andre (Town Counsel) that she is not. Diane won't give it to me. Everyone else has signed. I just realized that 34 Stable Way is an empty lot owned by the Bullards. I will need to contact them.

Re: Ken McKay's lot (Broad Acres Farm Road). To the right of the sewer easement is a pedestrian. It cannot really go down the centerline of the sewer easement. The actual pedestrian walkway is closer to the driveway and not actually in sewer easement.

Andy Rodenhiser – This easement does not really yet exist. It hasn't been recorded yet. There is a 36 inch wide walkway that Ken wants to control. He makes a lot of good points.

Ted Cannon – I spoke to Ken McKay as well. He likes what is there on the ground now. He can live with it. He doesn't want it expanded or paved.

Andy Rodenhiser – What is on the ground now is outside this easement. Also, the decision needs to be reflected upon. Ken McKay thinks the town will come in and make it big and pave it

Karyl Spiller-Walsh – This path is a preexisting pathway. The kids use it to cut thru (between neighborhoods).

Chan Rogers – The PLANNING BOARD can sign the plan and that could be recorded.

Andy Rodenhiser - The (actual) path does not follow the plan.

Bob Tucker – I hear another issue that the easement may not even (officially) exist.

Andy Rodenhiser – Ken wants to work with you guys to resolve this.

Ted Cannon – I will address that with Ken and work this out.

Andy Rodenhiser – Ken could be an obstacle to you with getting the easement. All we care about is enforcing what is shown on the plan.

Ted Cannon - Other than the Borgatti deed and the other deed as well as the drainage easements we have to finalize, we are done. We would like to ask the board to consider a bond reduction. There is a total of \$75,000 being held. Approximately \$35,000 was held because of the litigation with the Streifers. That has come to an end. We would request a bond reduction in that amount.

Marylou Whelan – We spent the money to do the work on the Streifers property. We have a letter from a lawyer in Boston. The statute of limitations has expired. There was no settlement.

NOTE – It was agreed to put this matter on the agenda for the next meeting on October 28, 2008. The attorney's letter will be forwarded to Town Counsel.

Bob Tucker – We need to know that the lawsuit is concluded one way or another.

Ted Cannon – We will give you the letter for town counsel. But we will not get anything from Mrs. Streifers attorney.

#### **4 Main Street Site Plan – Phase 2**

Bob Potheau, owner/developer

Bob Tucker – I did visit the site and discuss the project with Bob Potheau. I do have some photographs that I took here courtesy of my cell phone. There are some changes that took place that are different than the approved site plan. Just a summary of those items – in front of the building itself, the elevations were raised approximately 2 feet. To accommodate that, they increased the height of the retaining wall by approximately 2 feet.

Bob Potheau – I believe the site plan that you signed off on is the same height.

Bob Tucker – He did add a retaining wall at the west end of the building to account for different heights in the parking area. I don't see any issues with that. As a result of increasing the height of the parking area in front of the building, there are some changes that occurred. A set of stairs was removed (not constructed) as they were not needed. Wheelchair accessibility was also modified to account for the change in elevations. On the original (approved) drawings, there was a set of stairs that went from the east end of the parking lot to the Route 109 side walk. Those stairs were deleted. We did talk about the retaining wall design. Bob Potheau had indicated that he did submit to the building inspector a revision to the retaining wall design to address additional reinforcing that would be required. I did look at the fencing that runs along the top of the retaining wall along the east side out to Route 109. It does wrap around. It is approximately 4 feet or less at the end of the drop off.

Bob Potheau – Everything was done to the building code.

Bob Tucker – With the finishes, it is evident there is a change on the front façade. In my own opinion, it is better. In lieu of using metal on the upper half (of the façade), he went with brick from floor to ceiling.

Andy Rodenhiser – I thought the whole reason we couldn't talk about the façade was because it was prefabricated and that was the way it came.

Bob Tucker – The question I had is why these changes didn't come back to us for approval along the way. When I asked Bob Potheau, he indicated he wasn't directed by the Building Inspector to come back to us for approval of changes. So there are changes from the original design that had been approved. His drainage system is in and installed pretty much to plan with the exception of some rim elevations.

Susy Affleck-Childs – Plus there is the sign off from Rick Merrikin, engineer.

Bob Tucker – So I will do a write up on this.

Susy Affleck-Childs – Our focus tonight is just on phase II completion and the as built plans.

Bob Potheau – When I came before this board to talk about the façade, we talked about the short wall. The board asked me to make that wall with the same stone that is facing the street. With the façade, we ordered the expanded metal and got a sample and we put it up and it looked like a hacked up piece of tin. It looked like pieces of patches. We decided to go with the brick. It was more expensive to continue the brick, but it is certainly more attractive than patches of tin.

Andy Rodenhiser – Is it prefabricated?

Bob Tucker – It is assembled on site. The size of the metal panels was not friendly with layout of the windows.

Tom Gay – It is a system that is made to go together.

Bob Potheau – I stopped the tin in shipment because it was so bad.

Andy Rodenhiser – How come you didn't inform the board?

Bob Potheau – It would have stopped the process. I am fraught with abuse here. Do you prefer the tin or the brick? Every time I come in here I am treated like a criminal. Coming back in would have put the project off. I could understand your displeasure if I went from brick to tin. I have guys working there everyday. It was an on-site change. There are certain things that have to be done (in the field).

Andy Rodenhiser – My point is that there is a process here and you are not done yet with the development. There hasn't exactly been a full exposure and it causes problems.

Bob Potheau – I believe that certain things become minor changes. We didn't do a structural change; everything is as per the blueprint. If I couldn't have come to the process, this is a change after I ordered the material. We started to put it (tin) up and it looked terrible. The brick is on the brick is on the plan (for the lower level).

Andy Rodenhiser – I am just asking you to respect the process.

Chan Rogers – Just stop it the two of you.

Andy Rodenhiser – Bob Tucker, where would you like to go with this?

Bob Tucker - Maybe we need to fine-tune some of our regulations. I wouldn't disagree with some of the things Mr. Potheau has done. If you have to go back to the building inspector for a revision, he does do a pretty good job of kicking things back to us for concurrence. In this case, it would not have had to go back to the building inspector for a change from the metal to the brick.

Andy Rodenhiser – When you add a wall or take away the stairs, then you have to go back to the building inspector.

Bob Potheau – I am not sure if the height of the retaining wall is 4 feet or less. I don't know.

Bob Tucker – You raised the ground 2 feet; you had to raise the retaining wall as well.

Bob Potheau – When we met last time, we did not really have a discussion on the sign plan. I was told we would do that.

Andy Rodenhiser – I hold you to a standard.

Susy Affleck-Childs – I need to clarify something from the last meeting. I was mistaken re: October 21<sup>st</sup> being the completion date for the façade work. I went back thru all the decisions and that date only applied to the Phase 2 site work.

Andy Rodenhiser - Phase 2 is done when the façade work is done, site improvements are completed and there is a master signage plan. Are you comfortable moving ahead with the master signage plan without having addressed your plans for Phase 3?

Chan Rogers – I am.

Tom Gay – I am.

Karyl Spiller-Walsh – I am.

Bob Tucker – I would say yes, if we can help push things along.

Andy Rodenhiser – Without knowing what the deal is with phase 3, I don't see how we can look at signage for the whole area.

Bob Potheau – I agree with that.

Chan Rogers – The master signage plan was reviewed (by the DRC) and they took a position on it.

Karyl Spiller-Walsh – We took into consideration that phase 3 is not done. It is an integral part of the whole site. What happens to your entire master signage plan if he razes that building which he promises to do? That would be a great spot for a development sign.

Bob Potheau – When this started before the DRC, my memory of that is that we didn't talk directly about razing the Phase 3 building (in the middle of the site). We didn't talk about that until about a year ago. But the total site plan that we talked about for phase 3 was to keep the building, do a new roof and use a stone look. I have the right to keep the building there. I would like to take a hard look of what happens for safety with signs.

Bob Potheau - There is no timetable for phase III. On October 28<sup>th</sup> I would like a discussion about phase 3 but I will not have a specific proposal. We always told the board it would be last piece.

Susy Affleck-Childs – That phase 3 area (in the middle) is really 2 buildings. When he talks about tearing that down, it is just one of the 2 buildings, not both of them.

Bob Potheau – There isn't much we can do to that building in the middle. It is built on an angle to the road. So I am in agreement with the DRC and the PLANNING BOARD that not having that building there would be the most attractive thing.

Tom Gay – Does the site plan show the 2 buildings?

Bob Potheau – It shows as one building.

Chan Rogers – The best thing to do is tear the building down but that we cannot make you tear the building down.

Bob Potheau – But you might be able to talk me into this.

Andy Rodenhiser – We could make the site plan signage conditional on that building being removed. Why don't we suggest a signage plan based on the building being gone?

Karyl Spiller-Walsh – Otherwise there is an option A and an option B.

Bob Potheau – I am going to be looking for some relief on the signage from the ZBA. Let me ask for it as a whole . . .

Karyl Spiller-Walsh – Keep in mind, when Mr. Potheau came before the DRC on the master signage plan, he came in with some concepts. It was not a formal discussion. We identified what we felt was missing. He was kind of proposing that those big white signs in front would be development signs. We suggested they looked like wall signs. There was confusion as to what they were presenting. There was no signage program.

Bob Potheau – I have a lot of problem with this discussion right now. The signage plan is for discussion on October 28. It is not on the agenda for tonight. On October 28<sup>th</sup>, we will talk about a master sign plan with option A (tearing the building down). I would like to get input from you and see how we feel. I believe that is the option you prefer the most. Does that satisfy you to have that discussion on the 28<sup>th</sup> of October?

Tom Gay – I am OK with having that discussion.

Susy Affleck-Childs – For your info, the change of the zoning (where this site is located) to the new Business Industrial district included different sign regulations. They are more restrictive.

Bob Potheau – We will pursue this to the ZBA. I want to work with the board and look at safety and what is aesthetically pleasing.

Karyl Spiller-Walsh – What he is talking about was a real concern at the DRC. There is no internal flow within the site. The difficulty is on your shoulders is to prove how the signage will work.

Andy Rodenhiser – There are multiple curb cuts that don't have common access. Had there been a development proposal with a true master site plan, this wouldn't be an issue.

Bob Tucker – We learn as we go along. What we did 3-4 years ago and what we do today may be entirely different. We need to keep an open mind and go forward.

Susy Affleck-Childs – Please submit what you want us to look at before the meeting.

Bob Potheau – It will be the same thing that I had give you before for the master sign plan.

**Informal Discussion – River Bend ARCPUD Site/Village Street**

John Spink and Dave Harrington – Coneco

John Spink – We are hear to tell you what is happening and where we are at and discuss what can we do here. Once upon a time, 1999, we came in and started working the site. There is an approved permit for a 125 unit ARCPUD. We are kind of looking at the OSRD except that it doesn't economically work. Under your bylaws, we would be allowed to have 72 units (including 11 affordable) with 11 more market rate bonus units (for a total of 83). Monetarily that is a loser. We have come to ask you. We need 107 units to make it work (80 market rate and 27 affordables)

Andy Rodenhiser – That would require a bylaw change.

Susy Affleck-Childs – Or a variance from the ZBA.

John Spink - Would you guys be willing to modify the zoning for this parcel to go to this kind of number?

Bob Tucker – Personally, I didn't like what you ended up with before with all the grading.

John Spink – (For this latest version), we have gone to all duplexes and triplexes.

John Williams – Is there sewer is running thru?

John Spink – Yes, the main trunk.

Karyl Spiller-Walsh – Why would the town be interested in this? What do we gain?

John Spink – Tax dollars and affordable units.

John Williams – I think it is a negative for the town with the school children.

Karyl Spiller-Walsh – I see less open space with this proposal than there was with the ARCPUD.

John Spink – It is the same open space as the (approved) ARCPUD.

John Williams – If you look at the master plan, this would be a huge tax burden on the town to employ such a development in Medway.



John Spink – Are you saying that no houses can be built in town?

Andy Rodenhiser – What is in the best interests of the town?

Tom Gay – The only advantage I see, is that we would be getting some affordable units.

Andy Rodenhiser – Putting some affordable units would be required whatever type of development.

Tom Gay – This is a significantly higher percentage of affordables.

Chan Rogers – What does the plan show?

John Spink – 7 triples and 25 doubles and one single (72 total)

Karyl Spiller-Walsh – It is not like we are gaining any open space over the ARCPUD plan.

John Spink – We are still at the same public access, trails, canoe launch, etc.

Andy Rodenhiser – With the ARCPUD, there was \$200,000 for the senior center.

John Spink – That is off the table.

Susy Affleck-Childs – Who is the developer?

John Spink – Orchard Knoll.

Andy Rodenhiser – The wetland area needs to be subtracted out in the formula.

John Williams – I think we had an ARCPUD in two weeks ago. We were talking about the possible number of units. I would want to see what the maximum number of units could be on this site (as a conventional subdivision).

John Spink – The formula for the ARCPUD was 176 negotiated down to 125.

John Williams – But you said you want to do this as an OSRD and there is a formula. I would like to see that formula information.

John Spink – If we bring that plan into you, we will do that.

Gino Carlucci – You said the open space is the same as the ARCPUD, but does that meet the OSRD standards??

John Spink – It does meet the OSRD standards (at the 72/11)

Andy Rodenhiser – I can't imagine the open space you show meets the formula.

Gino Carlucci – The minimum required open space cannot have more wetland% than the entire parcel has.

John Spink – I understand that. It is fine.

Andy Rodenhiser – As a conventional subdivision?

John Spink – 38 or 39 single family homes. Financially, it cannot be done, today or even a year ago.

John Spink – What is your sense?

Karyl Spiller-Walsh – No

Bob – No

Chan Rogers – No

Tom Gay – I don't have an issue with it. Although it is a higher percentage of housing, I see some good stuff there.

Andy Rodenhiser – No

John Williams – No

Karyl Spiller-Walsh – The arcud that had been approved had a certain ambiance and quality. It had enough affordables in it. It reflected the quality of the site which is irreproducible. This kind of housing you show could be a 40B project. It doesn't seem to meet the integrity of the land as the ARCPUD did. There is no advantage. There is not more land (open space). What is there in it for us? I don't see better. I see worse.

John Spink – Thank you much.

## **Invoices**

*Community Newspaper Company* - \$427.80 (General Fund – legal advertising for zoning public hearing). Motion to approve by Bob Tucker, seconded by Chan Rogers. Unanimously approved.

*Tyler Technologies* - \$4116 (43D grant – first installment on new MUNIS software). Motion to approve by Bob Tucker, seconded by Chan Rogers. Unanimously approved.

Susy Affleck-Childs – We have an estimate for the new computer server to go along with the MUNIS software. It is for \$8,736 from Whalley Computer Associates in Southwick, MA. They are a certified state vendor, so we don't have to go thru a formal bid process. I would like your authorization to proceed and place the order. Motion by Bob Tucker, seconded by Karyl Spiller-Walsh to authorize purchase. Unanimously approved.

## **Back to Zoning Amendments Public Hearing**

Andy Rodenhiser – Hearing Karen Johnson's concerns, what do you think?

John Williams – I thought she said she would be giving us her bullet list.

Tom Gay – I don't think this is as big a deal as she is making out to be.

John Williams – I heard it is inconvenient.

Tom Gay – I think we need to wait for her specific comments.

It was agreed to hold off on Articles 20 and 21 until the next meeting.

Andy Rodenhiser – Let's go back to the other articles.

**Article 15** - No comments.

Motion by Bob Tucker, seconded by Tom Gay to recommend approval of Article 15 for the 11-10-08 special town meeting. Unanimously approved.

**Articles 16 and 17** – No comments.

Motion by Bob Tucker, seconded by Karyl Spiller-Walsh to recommend approval of Articles 16 & 17 for the 11-10-08 special town meeting. Unanimously approved.

**Article 18** – No comments.

Motion by Bob Tucker, seconded by Tom Gay to recommend approval of Article 18 for the 11-10-08 special town meeting. Unanimously approved.

**Article 19**

Tom Gay – I am concerned that we should go further (to enlarge the district). Why not the Lincoln Street area? Also why the newer house at Winthrop and Main Street?

Gino Carlucci – The bylaw applies only to property with Main Street frontage.

Motion by Bob Tucker, seconded by Chan Rogers to recommend approval of Article 19 for the 11-10-08 special town meeting. Unanimously approved.

A motion was made by Tom Gay, seconded by Karyl Spiller-Walsh to continue the public hearing to 8:30 pm on Tuesday, October 28<sup>th</sup>. Unanimously approved.

**REPORTS**

Tom Gay – The GIS Task Force has met twice. There has been a lot of research done on prior proposals.

Andy Rodenhiser – What is GIS?

Tom Gay – GIS allows you to base decisions on geography vs. tabular data alone. There were several proposals in the past. We have looked at them and have agreed to the approach of a staged look see at GIS data layers. We have the ability to do some simple scenarios. We have looked at some money ideas. Also there are some components that could be tied into the 43D grant (plotter/scanner and server). There are some real possibilities of moving this forward and

Planning Board Meeting Minutes 10-14-2008  
Approved 10-28-2008

putting the foundation pieces in place. We need to get it in the pipeline (with Capital Improvements Planning Committee).

Chan Rogers – I attended the last Capital Committee. We did discuss this at that time.

Chan Rogers – The Route 109 subcommittee submitted the “need” and “initiation” forms to MassHighway. Judi (LaPan) worked on it. It would cover Main Street from Holliston Street to just beyond Franklin Street. \$ 9.6 million.

## **MEETING MINUTES**

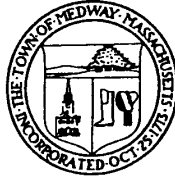
September 23, 2008 – Motion by Karyl Spiller-Walsh, seconded by Andy Rodenhiser to approve as presented. Approved.

A motion was made by Karyl Spiller-Walsh, seconded by Bob Tucker to adjourn the meeting. Unanimously approved.

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant



**TOWN OF MEDWAY**  
**Planning Board**  
155 Village Street  
Medway, Massachusetts 02053

*Andy Rodenhiser, Chairman*  
*Robert K. Tucker, Vice-Chairman*  
*Cranston (Chan) Rogers, P.E., Clerk*  
*Karyl Spiller Walsh*  
*Thomas A. Gay*  
*John W. Williams, Associate Member*

*September 3, 2008*

**TOWN OF MEDWAY PLANNING BOARD**  
**NOTICE OF PUBLIC HEARING**

***Williamsburg Condominiums - Open Space Residential Development (OSRD)***  
***Application for OSRD and Affordable Housing Special Permits***

In accordance with the Medway Zoning By-Law, Section V. Use Regulations, Sub-Section T. Open Space Residential Development (OSRD) and Sub-Section X. Affordable Housing and the provisions of Massachusetts General Laws, Chapter 40A, Sections 9 & 11, notice is hereby given that the Medway Planning Board will conduct a Public Hearing on ***Tuesday, September 23, 2008 at 7:15 p.m. in Sanford Hall at Town Hall, 155 Village Street, Medway, MA***, to consider the application of Broad Acres Management Trust of Millis, MA for an Affordable Housing Special Permit and an Open Space Residential Development Special Permit and Concept Plan entitled *Williamsburg Condominiums Open Space Residential Development Special Permit Concept Plan* dated August 20, 2008, prepared by Faist Engineering of Southbridge, MA.

The applicant proposes to develop an eighteen (18) unit condominium community on a 13.86 acre site at 66A, 70, 70R and 72 West Street. The property is located on the north side of West Street across from Holbrook Street in the ARII zoning district. Owned by the applicant, the site is comprised of four (4) parcels - Medway Assessors Map 2 - Parcels 7B, 6-1-B, 6-1-2, and 6-1-3. On site features include wetlands, a tributary to Hopping Brook, a vernal pool, wooded areas, open fields and stone walls.

The proposed development is to be comprised of three (3) triplex buildings with nine (9) townhouse units, four (4) duplex buildings with eight (8) townhouse units with attached garages; and one (1) detached single family home. Three (3) of the eighteen (18) units will be affordable. Units will have 2-3 bedrooms. The proposal includes stormwater drainage facilities including low impact features, sub-surface infiltration systems and surface storm water basins. The proposal includes approximately 8.7 acres of dedicated open space to be publicly accessible. Site access from West Street is proposed to be provided via an eighteen foot (18') wide U-shaped one-way private driveway running approximately 1134 linear feet.

The applications and plans for the Williamsburg Condominium Open Space Residential Development Special Permit and an Affordable Housing Special Permit are on file with the Medway Town Clerk at the Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m.

Any person or party who is interested or wishes to be heard on this proposal is invited to review the plans and express their views at the date, time and place so designated for the public hearing. Written comments are encouraged and may be forwarded to the Medway Planning Board at 155 Village Street, Medway, MA 02053 or emailed to:  
[medwayplanningboard@townofmedway.org](mailto:medwayplanningboard@townofmedway.org).

Andy Rodenhiser  
Planning Board Chairman

To be published in the *Milford Daily News*: Tuesday, September 9, 2008  
Monday, September 15, 2008

cc: *Planning Boards* - Bellingham, Franklin, Holliston, Milford, Millis and Norfolk

*Medway Town Officials/Departments* – Board of Selectmen, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Community Preservation Committee, Conservation Commission, Design Review Committee, Fire Department, Police Department, Public Services Department, Town Administrator, Water/Sewer Department, Zoning Board of Appeals.

## **SPECIAL PLANNING BOARD MEETING**

Tuesday, October 21, 2008

PRESENT: Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant

Chairman Rodenhiser called the meeting to order at 7:03 p.m.

### **Little Gym Site Plan Modification/74 Main Street**

The Board reviewed and discussed the draft site plan modification decision dated 10/21/08. It was agreed to not require the provision of as-built plans. Also, as no site work is involved (only building work), there is no need for provisions re: performance guarantees. The Board did discuss having a condition to require the property owner to prepare a master signage plan for the development. Discussion took place about when to have that submitted. It was decided to require a master signage plan to be submitted prior to the next tenant application for a sign permit or 8 months, whichever comes first.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to approve the site plan modification and decision as revised. APPROVED.

### **REPORTS**

Andy Rodenhiser reported on a recent phone call from a representative of CLF Ventures, a consulting group associated with the Conservation Law Foundation. CLF Ventures is preparing a proposal to EXELON (the new owner of the power facility in Medway) for consulting and public relations services. They were looking for names of possible community contacts.

Andy Rodenhiser reported that an attorney contacted the Planning Board office re: the Einis property (River Bend site). The attorney indicated that they were planning to proceed with a 40B application and would be submitting funding proposals to the state soon.

Andy Rodenhiser reported that the PB had received an ANR application from Cheryl Rosenberg for property located in the Kelley Street area. This is the same area as a previous application from 2 years ago which was ultimately withdrawn. Susy noted there was an attorney's memorandum submitted with the application and plan. Does the PB want to ask for Town Counsel review now and not wait until the 10-28 meeting? Susy noted that the PB has 21 days to act on an ANR plan. Susy reported that she had spoken with Town Counsel and has an estimate of 5 hours for \$900. It was agreed to bill the applicant and upon receipt of the funds, to ask Town Counsel to review the application and documentation, preferably before Tuesday evening.

Andy Rodenhiser reported that Town Administrator Suzanne Kennedy had asked the Planning Board to prepare a letter regarding its thoughts on water needs in the east Medway industrial park area. It was agreed that Andy would prepare a draft, get it to Susy who would edit it and forward to the Town Administrator later in the week.

Andy also reported that Susy had been asked by the Town Administrator to review the Town's annual Water Supply Statistical Report (to the DEP) that had been prepared by the Water/Sewer department and to consolidate other review comments and work with Mark Flaherty to revise the report.

Andy mentioned that at the BOS meeting on 10/20, there was discussion about moving forward with a master water plan.

Planning Board Meeting Minutes 10-21-2008

Approved 10-28-2008

Susy distributed a proposal on establishing a municipal GIS that was to be submitted and presented to the Capital Improvements Planning Committee. Tom Gay had prepared the document; she and Dave D were making minor edits. The CIPC meeting is to be held on 10/23/08.

The meeting was adjourned at 7:35 p.m.



**Minutes**  
**October 28, 2008 Medway Planning Board Meeting**

PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, Karyl Spiller-Walsh, Tom Gay, John Williams

ALSO PRESENT: Gino Carlucci, PGC Associates  
Susy Affleck-Childs, Planning Board Assistant  
Phil Giangarra, FINCOM member

The meeting was called to order at 7:05 pm

Welcome to PB meeting 10/28/08 here at Sanford Hall; 155 Village Street

CITIZEN COMMENTS - None

**Minutes**

October 14 & 21– motion to approve as presented – Bob Tucker, Karyl Spiller-Walsh – all yes

**Invoices**

VHB – Construction Observation for Birch Hill and Ishmael Coffee Estates for \$1,394.97 to be paid from revolving fund. Motion by Chan Rogers, seconded by Bob Tucker to approve payment. All YES.

Susy Affleck-Childs – I have the pricing (\$2,530) for the second server for the MUNIS system, to be used for the citizen access component. The funding is from the 43D Expedited Permitting Grant. I would like your authorization to order. This will come back to you to authorize the specific payment upon invoice. Motion by Bob Tucker, seconded by Chan Rogers to authorize ordering of the server. All YES.

**Other Matters**

Susy Affleck-Childs - ConCom is meeting on 11/6 to discuss Ishmael Coffee Estates. We need to hear from them before the PB votes its recommendation on street acceptance. I would prefer to not do this at 6 pm right before town meeting as we will need to draft motions, etc. Would you be receptive to a brief meeting on Saturday morning, 11/8?

Chan Rogers – I cannot do anything between 11/6 and 11/10. I am out of town.

Tom Gay – ok for 11/8

Bob Tucker – ok for 11/8

Andy - ok

Karyl Spiller-Walsh – not sure

Agreed – To have a special PB meeting at 8 am Saturday – November 8<sup>th</sup> to finalize any decisions for the 11/10 town meeting.

## **7:15 Public Hearing Continuation - Williamsburg Condominium OSRD Special Permit**

Paul Yorkis, Patriot Real Estate

David Faist, Faist Engineering

Greg and Mary Lou Whelan

Paul Yorkis – at last meeting, there were several recommendations made by the PB and by the safety officer – we had quite a discussion – what I would like to do is to turn this over to David Faist to share with the board how the plan was changed and review the revisions – and then we could discuss the letter from Gino Carlucci with his comments on the revised plan we provided.

David Faist – project civil engineer, Paul Yorkis relayed to me the comments from the last meeting – the open space area and developed area stayed the same; one of the main things we did was to reverse the directional flow of traffic based on safety officer's input and the board's concerns – the entrance to the development will be down near where Medway Animal Hospital is location – we will use the existing driveway to the site and widen it once into the development - there will be some parking spaces as soon as you come in that would be good for open space visitors – the roadway widens to 16 feet for the remainder with the exit at the western end of the project – in the original proposal we had some triplexes and duplexes – we have changed to all duplex style – it will be – two single story duplex buildings (4 units ) – then some with 2 car garages, and some with 1 car garage - Gino Carlucci's comments suggest reducing double width driveways a bit – we want to make sure everything would fit and have parking – we are also providing a sidewalk the entire length of the driveway from the animal hospital out to the end and for a community bus stop (on West Street) – we added in some street lights – community mailbox – there is no sidewalk on West Street currently – After talking to the landscape architect – one of the nice site amenities is some stone walls – we want to dress up the exit area with some stone walls – can't really do much at the entrance area – not enough room - we can get into more detailed landscaping at the definitive design stage . . .

John Williams – isn't the house set back area required to be 15 feet from the open space?  
Concern about unit at westerly end of the site and how close one of the units is to the open space parcel

David Faist – that is something we can look at – we could adjust that to a one car garage

John Williams – just looking at the proposed area, we noticed that there is 7 acres in the front corner that is either a wetland or a protected resource area. The use of the open space development allows us to have 8.7 acres of open space – when we talk about trading a single family development here, there is 1.7 acres difference – it doesn't seem that the open space is contiguous - why would we consider condominiums here?

Gino Carlucci – it does meet the formula

Bob Tucker – have you checked the formula

Gino Carlucci – yes

Bob Tucker – what is the net open space area that is upland?

Gino Carlucci – I don't remember the exact acreage figures but remind you that the percentage of wetlands in the open space cannot exceed the % of wetlands on the whole parcel – they have met the standards

Tom Gay – 8.7 acres of wetlands; uplands area is 5.71 acres

Andy Rodenhiser – what are they required to provide for open space under the formula?

13.86 acres = site

3.19 acres – wetlands

Riverfront – 3.89 acres/upland

Total wetlands and riverfront is 7.08 acres

The required open space area is 50% of the site = 6.93 acres

Required uplands is 5.3 acres

We have 8.7 acres of open space – the upland area of that is 5.71 acres

John Williams – there is a wetlands area here that is clearly unbuildable and the buffer which is protected – the DEP and Medway CONCOM has restrictions over the 7 acres which can't be built on – the condo development is not in keeping with the general character of the neighborhood – the net gain is one acre of open space

Gino Carlucci – he is deducting area that he thinks is not developable anyway – but the total amount of open space is 8.7 acres of which 3.19 is wet

Tom Gay – what John Williams is saying, that based on buffer zones, much of it would not be buildable anyway

John Williams – I am not challenging is that it doesn't meet the formula – but what is the actual benefit? So that is my question – if you take a look at condos, they don't bring as much tax revenues as a single family home – I don't see a substantial benefit – I don't see it on this space

David Faist – I have been involved with this project for a number of years – it was originally a 40B project that was approved by the ZBA – it consisted of a much more invasive project – after working with the DRC over the years, we have come to this concept -

Andy Rodenhiser – what is the status of that permit?

David Faist – is still valid – 20 or 22 units

Karyl Spiller-Walsh – what is the build out number of it was (done as a conventional subdivision) with half acre zoning?

David Faist – I am not sure; there was probably one that was a conventional subdivision that maximized the use of the property – I can check that –

Andy Rodenhiser – under this process, we get more control over what it looks like and what gets approved with a unit count as compared to a 40B permit – I think Greg believes this is a better route for him – So why this vs. a 40B?

Paul Yorkis – I can't speak to that – but I would like to respond – I want to be a little bit philosophical as I am also a resident – I think the zoning in the town of Medway as it relates to dwellings is terrible and I have said this to you before and to the public – the only type of dwelling that can be built in Medway by right is a single family dwelling – I think that is wrong – I think we need a variety of housing types – this town has failed its citizens by not granting as a matter of right a mixture of types of housing – we have done a disservice to everyone in the community – this plan meets the criteria in this case and I think the planning board, some of the members, were instrumental in putting together the OSRD bylaw and that is a step forward to where we need to be – I think it is critical – I think that this applicant has made a decision to try and develop a plan that meets some other goals that have been talked about – low impact development; I think this might be a sort of model to look at the benefits and negatives if there are any – the location of this property is next to property owned by Boston Edison on one side and leaving as much of the property as natural is a benefit to the community – it may not be an active recreational area, but it could be passive – but I think as a community, we need to try and figure out how to plan for a variety of residential types and given the zoning bylaw that exists today – if the town with the PB's leadership were to change the bylaw to allow duplexes or apartments by right, that might be different – the poor diversity of our housing stock at this time is not good for our community in the long term

Chan Rogers – I don't think the board has the option to fiddle around with the formula – 65% of the open space is upland and available to the public – if you were to put enough street in there to put in 20-25 conventional lots, there would be no open space – I feel there are a lot of advantages in the plan presented – different kind of housing that would be available in Medway for families that don't want to live in a single family house and have the responsibility to maintain – what is presented is a good use of this site – I think the changes that were made between the last meeting and this one are interesting and desirable – I see this much differently than John Williams does

Phil Giangarra – would you define upland?

Chan Rogers – high and dry, not susceptible to flooding

Paul Yorkis – something that is NOT wetlands is considered to be uplands – wetlands are comprised of 51% or more of wetlands plants and the soils under the plants need to be hydric soils as defined in the wetlands act – it is possible to have one without the other – if you have both it is wetlands

John Williams – well, notwithstanding your argument about the necessity for duplexes, I was looking at OSRD as it was proposed heavily on design and aesthetics and public use and access, although this development may fit the letter of the law, I am not sure the uplands area really fits the intent – given that particular configuration of the uplands – let's talk about the gain – there is really only 1.7 acres that wouldn't be undisturbed – the gain for making this public is offset by

the vagaries of it – homeowners that live along West Street – this will be duplexes they won't be compatible - are the units of a duplex taxed at the same rate?

Yes – same rate

Andy Rodenhiser – 40B concept could come in with more units and less attractive and less value – and we would have no control

John Williams – I can only consider the proposal here as presented

Andy Rodenhiser – I understand you didn't have that knowledge – it took them 3 years to look at this option – look at an alternative – I understand it predates you . . . your thoughts are not anything we didn't think about back then.

John Williams – I can feel for the frustration of the applicant – not having the legacy with the board – I approach this as a single plan presented here

Chan Rogers – imagine that site with 22 separate house lots and a street to serve that – I think the alternative to split it up with single family lots is a much more difficult problem

Bob Tucker – getting away from this a little bit, what waivers will you be looking for on this project?

David Faist – we had a list of waivers that was submitted with the application form itself – very similar to the village at pine ridge –

Paul Yorkis – that was one of the requirements of the application

Bob Tucker – I am curious as to the number and what they are

Tom Gay – it is 2.5 pages –

Susy Affleck-Childs – those are from the traditional subdivision regulations

Andy Rodenhiser – and for streets that would be accepted by the town

Karyl Spiller-Walsh – I have some comments, starts with a philosophy – what are we gaining/what do we get – we have a couple of developments that we look at – is it worth doing – one of the difficulties with the bylaw is a conflict with the intent of open space subdivisions and the need to include affordable housing – there are 3 units of affordable – if you could envision Daniels Village and took out 3 affordable units, you would have a sense of more open space – I think we are in the middle of the Oreo sandwich and one of the reasons is because of the affordable units – when we have our affordable units in place, these OSRDs will look different – this has come a long way – it is cleaner – the sense of the meandering sidewalk, the juxtaposition of the units on the street – spaces of land around the units – I think you have brought it to a much better level – there are still some questions we still need to talk about – road width is one – I don't know what you intend to do with the architecture – but that is the footprint only (you have

shown us) – we don't have a sense of that yet . . I expect it will be like what you showed us (in the past) - I think with what you have had to work with you have brought it to a level that is respectable –

David Faist – we did want to preserve some space to have some views – with a 40B there would have been a big detention pond in the back in the buffer zone

Karyl Spiller-Walsh – this is all about bang for the buck – what does the town get out of these special permits – certainly this land/open space – breathing space – I think that there are some good ideas here - what existing elements are there – what can you do with the stone walls – one or two interesting things that occur within the landscape can be very positive and special - that is what I am looking for – goes a long way –

Chan Rogers – talk about bang for the buck – 14 acres site – you are getting 43% of the site as upland open space – you would lose that with a conventional subdivision plan

Tom Gay – one question about street width – what is the logic behind variable street width – it says you start at 14 feet and enlarge to 16 feet

David Faist – we have a 14 foot driveway at entrance with sidewalk – we are trying to minimize impact on the abutting neighbor at the entrance – once you get up to the area where the homes are the road is 16 feet – one way street – safety officer has looked at it – from a LID, we are minimizing pavement in the beginning of the driveway – reducing non pervious area – trying to preserve land

Bob Tucker – I see we have a letter from the safety officer – is there one from the fire department? – I want to make sure we can get a ladder truck down there – is 14 feet enough?

Paul Yorkis – the acting fire chief will put in writing that this is OK.

David Faist – we can make sure that in the definitive design phase, we will look at fire truck movements

Paul Yorkis – the longest truck does not have the longest wheelbase – and there is not a problem with this

Bob Tucker – I am looking toward the future as well in terms of future trucks

Karyl Spiller-Walsh – so do you think that is a problem getting in the corner with the 14 feet road?

David Faist – we have software we can model in the definitive phase

Andy Rodenhiser – most responses have 2 ambulances – concerned about those two as well as a fire truck and passing

David Faist – that is one of the nice aspects of LID – no curbs and sidewalk – we have 4-6 feet of swale area – plantings can be outside that – cars can go up onto it if needed

Karyl Spiller-Walsh – I think that was an excellent solution – 14 to 16 feet – I want to make sure that somebody can pass in the middle

Bob Tucker – how many of the units are going to be green or going after LEED certification

Paul Yorkis– don't know yet.

Bob Tucker – is it considered?

Paul Yorkis – I think whoever is building today is considering whether you want to call it GREEN or LEED or common sense

Paul Yorkis – I have read the OSRD bylaw several times and I would share with the board, the way it is written and the concept of affordable housing that my view, in representing my client, is to look at the project in its entirety – in terms of open space, town responsibilities for road maintenance and lights (which the town would not have any) as well as the housing types and – it is all of those things – whether it is this application or others, some applications may be strong in some aspects and not so strong in other aspects – the totality of the application is what is critical –I would also share with you – I live at ICE and it has become a little community – the Village at Pine Ridge which is an OSRD that you access it thru another subdivision has become a little community within a community – this becomes a neighborhood which I think it is good – it doesn't mean it is in conflict with other housing types – is the glass half full or empty? There is a variety of ways to look at things – the success of this in part depends on who moves there – are they comfortable with one another and work with one another?

Andy Rodenhiser - Any comments from the public?

Rhea Berry, 68 West Street – Where is the sidewalk?

David Faist – It was placed along the animal hospital side

Rhea Berry – OK

John Williams – I appear to be a man on an island here – I look at the open space that has been delineated here and I don't see it as useful and practical – perhaps it is a dangerous precedent to qualify some of these spots as open space – the unit calculation is a maximum – perhaps there is some jockeying around that could be achieved with a reduction – do we want to set this low of a bar for an OSRD?

Chan Rogers – I would like to answer that – we are responding to the audience at home as well – I think John Williams has expressed his opinion, we are all entitled to our opinions – I think this handsomely fits our open space requirements – 43% of the open space is upland area – you would not achieve that with conventional single family housing

Andy Rodenhiser – there has been many times on this board that people have been islands unto themselves, it is nothing to be ashamed of – I want to encourage every member of the board to allow for everybody to think differently – that is my own belief as chairman – with that being said, my own personal thought is that I think it shows thoughtful design and a diversity of housing, it also provides access to the open space - if it was a 40B it probably would not be accessed; the overall greater benefit is that the developer has reduced the unit count as compared to a 40B and to upscale the design from a 40B stark box –

John Williams – any comment on the contiguous nature of the open space

Andy Rodenhiser – you point out something – perhaps we can change the bylaw to establish a minimum width for contiguity – perhaps that is something we should look at in the OSRD bylaw – you do make a good point on the offset required – I am sure they can accomplish that by reducing size of garage, shifting, etc .

Karyl Spiller-Walsh – I completely agree with John Williams – I think it is a minimum and we are going to make it better – it is more consistent with what we want to see – it doesn't have to be minimal - it is always a compromise – this is a much better solution than the 40B solution – there was no lipstick on that pig – often times it is always a compromise – it is heading in a much better direction – with some architecture ideas it will be a lot better than it was –

Andy Rodenhiser – next steps

Susy Affleck-Childs – go to DRC soon –

Paul Yorkis – I think we are ready to meet with DRC go design the housing to approximate the footprint – Unless the board has some other substantial changes that they want to propose to this – I think we are OK

Karyl Spiller-Walsh – some thoughts . . . when you do come into design review – Gino Carlucci had made some suggestions on stone walls, relocate some – I saw some when I was out there- some concept – behind the vernal pool – what kinds of plantings – what is there that you might leave?

David Faist – one of the ideas . . . the dark green area - that is the calculated open space – there is more open space within the developed area (light green on the plan).

Karyl Spiller-Walsh – a grouping of trees?

Susy Affleck-Childs – question on open space that is not included in “official” open space area – how will that be used?

Paul Yorkis – we don't want to mess with stone walls near the vernal pool – we need to leave them – We want to leave other stone walls that don't have to be moved – There is no intention to do anything to that extra open space – it would be foolish for us to remove that – but it is not included in our calculations –



David Faist – given that this is the conceptual phase, and I looking ahead to the storm water design – we want to keep that area for that – we made need that –

Susy Affleck-Childs – but it is not protected . . . .

Paul Yorkis – correct

Karyl Spiller-Walsh – I find that intriguing and interesting – I think it would be relevant to the whole – how is it going to look at the end?

Paul Yorkis – in discussion with Worcester office of DEP, she has a design standard for the swales for LID which she is forwarding to us – after our review, if that is it may be something that the board adopt as a design criteria –

DRC – Nov 17<sup>th</sup> – overall plan – but not buildings – meet at the senior center on Monday evenings -

Continue public hearing to Dec 9<sup>th</sup> at 7:15 pm

### **Broad Acres/Country View Estates**

Marylou Whelan - We have a Ratcliffe easement

Andy – we have a memo from Town Counsel Barbara Saint Andre – Is it OK to release and read into the record/attach? She notes some outstanding issues – storm water easements on Streifer and Desimone – lots 35/36 – also the sewer easement issue on Streifer’s neighbor

Mary Lou Whelan - I have everybody on Stable Way except for Diane Borgatti; I have the Bullards – I have a verbal from the Buonorcosi (next to McKay); I have a verbal from McKay

We just want the road accepted by the town

The only one left is Ken McKay

Andy Rodenhiser – easement with Buonorcosi? –

Susy Affleck-Childs – they want a bond reduction - we need to claim some money for the construction account to make sure we have money to pay town counsel - I would like \$3,000

A motion was made by Bob Tucker, seconded by Chan Rogers to reduce the bond by \$3,000 to replenish CO account. All YES.

Chan Rogers - \$75,000 is excessive to keep at this point – the applicant has plenty of reason to get the thing done – I think the board should look at it very closely at the next step for the Streifers to give up the easement

Andy Rodenhiser – if we need to buy or acquire easements to get this done, we don't know how much that will take – I am suspicious about that

Bob Tucker – I don't have an issue of going down to the minimum –

Marylou Whelan – What about taking the easement at the Streifers by eminent domain? We redid the whole thing for them.

Next meeting – November 11, 2008

### **Restaurant 45 Site Plan**

Paul Yorkis – I delivered copies of plans of where it was supposed to be and what we are needing to do now – the elevation of the parking lot has changed substantially, it is lower as you are going from route 126 westerly on route 109 – the original intention was to remove the restaurant entrance (on the north façade) – the applicant now wants to retain the entrance but steps are needed – with the approved site plan, there were no steps from the parking lot – I am hear to keep the board informed – the number of parking spaces still complies – there is no negative changes other than the – new steps – we had to get it to match

Karyl Spiller-Walsh - how much lower than the original plan – 4 steps lower than the original approved plan -

Bob Tucker – Why isn't this is a minor site plan change?

Susy Affleck-Childs – This is my error, I should have advised Paul Yorkis to ask the building inspector what level of change this constitutes -

Paul Yorkis – I spoke with the building inspector. He said he didn't see any problem with this, but to please just inform the PB

Bob Tucker – I want to see some consistencies with the building inspector's interpretation – I want to get the process tuned up

Karyl Spiller-Walsh – I don't see it as a site change -

Just get a note from Bob saying that he doesn't see –

Paul Yorkis – I have stamped plans for you with the change –

It was agreed the PB was OK with the change. Please get confirmation from the Building Inspector.

### **Public Hearing Continuation – Proposed amendments to Medway Zoning Bylaw**

Article 20 (for 11/10/08 special town meeting)

Karen Johnson, Charter Realty and Development – our interest is Medway commons, after the last hearing I just summarized our discussion from that evening and tried to highlight the points of why we are concerned about the change in the zoning designation from commercial VI to Commercial I – I emailed Susy a letter

From a process perspective – the zoning district was proposed to be changed from commercial VI to Commercial I after the fact - after Commercial I was drafted and approved (last spring) – our opportunity for comment is simply on the change of the name – we don't really have a chance to comment on the components of Commercial I

Several uses would now require a special permit and the process for a special permit would go to the ZBA - if there were to be any changes to those sites (CVS and McDonalds) – creating a dual process – at the last hearing, I said you were going backwards with this – we feel you have made tremendous strides toward a more streamlined process by taking out the BOS from the site plan process – going to the ZBA for special permit and then go to PB for site plan is cumbersome

I am troubled by non conforming status (of some of our uses – drive thrus for CVS and McDonalds) if we go for refinancing, etc. –

So I tried to put it in a letter form – I thought that would be helpful to you . . .

Andy Rodenhiser – I guess as a board, do you want to make any considerations on changing the proposal or do you have any comments or do you want to put a hold on it?

Tom Gay – I read this as far as the nonconforming status is concerned, that doesn't faze me one bit – the current commercial I & II on the west side of Holliston street were combined - from the process side, I fully agree with you - we want to get away from an overburdened process – we want to make it a quicker process – so I still support the consistency that combining it into one overall district – same rules/level playing fields- but maybe we do need to consider process issues

Chan Rogers – and that reconsideration . . . couldn't that come after this was approved – there could be a hiatus between this (and not complicate town meeting now) and then later adopt a change

Tom Gay – the other question I would ask, how does the proposed overlay district fit in?

Gino Carlucci – in the draft form, it says CI and CII right now, - it doesn't have to be defined by the entire district - we can limit

Susy Affleck-Childs – the overlay doesn't have to be the entire district, it can just be part of it

Tom Gay – what do we want to do with the overlay?

Andy Rodenhiser – we don't want to do something that will make the overlay harder to do later.

Chan Rogers – I am advocating that we vote on this now and then clean it up later . . .

Bob Tucker – I think we have shown, that this board tends to be very dynamic and it isn't afraid to go in and make some changes . . . drive-thrus are not the only concern – there may need to be a number of improvements

Karyl Spiller-Walsh – I don't think there is one great answer – both have justifications – but I think I agree with going ahead with the bylaw

Andy Rodenhiser – what is the impact on you?

Karen Johnson– I understand from older (shopping center) prototypes, non conformities are inherent - my only counterpoint is that happens with older properties, no question about it – what is really the planning objective for the change? – you were able to achieve what you wanted with Medway Commons and Walgreen's – you were able to do it with the zoning requirements you had in place – zoning is a tool for implementing your planning objectives . . .

I understand your concern about going with the momentum – but take a step and decide what is your planning objective and where do you want to go – as a volunteer board with support, to the extent you can process all your administrative stuff and do your planning stuff – you may be taking on too much – one of the biggest problems with zoning bylaws, is that you chip away at things, and you don't achieve the overall consistency that is needed – that is what happens when you take a little step here and there

What do we lose if you were to do this now – I don't know what we may need to do in the next 6 months – but something may come up that changes your focus (away from doing the follow-up changes) – my only caution – I spent 7 years as a town planner –I understand that you want to complete a task – in this case, listening to your comments, it doesn't seem like you are really accomplishing what you really want - sometimes you have to take a step back and ask if we are changing what we want to do... that is my perspective on it – if you do or don't pass this, I am willing to look at things – workshop, review drafts – I may just need some more time to do so . . . that is where we are... hanging around here for 7 years – we are not going anywhere – we are holding onto this – it is one of our best properties in our portfolio

Chan Rogers – we already have an issue before us, with a special meeting on November 8<sup>th</sup> – we might want to provide more assurance to the property owner – I personally feel we are better off doing what we are doing and take the time between November 10 and the middle of May to study this problems – it may be more than drive-thrus that have to be considered

Andy Rodenhiser - Any other comments on zoning bylaw amendments?

None

Andy Rodenhiser - We will continue the public hearing at the end of this meeting and decide where to go from here

**ANR Plan – Cheryl Rosenberg for property north of Kelley Street**

Paul Yorkis, agent for applicant

Jim Roberti, attorney

Andy Rodenhiser – We received a letter from Town Counsel Barbara Saint Andre. It is noted as confidential but it is in our discretion whether to release it - any concerns about releasing it?

NOTE – All members were agreeable - No problem –

Andy Rodenhiser – this just arrived today – Here is a copy for you.

Jim Roberti – We are here regarding a property on Kelley Drive, Villa Drive cul-de-sac – Cheryl Rosenberg owns property shown as lots 1 and 2 on the plan – we were here in 2006 with a similar plan that had 3 lots – we withdrew that and have scaled it down to 2 lots – at the present time, there are 3 lots on the Camelot III subdivision plan that are accessed off the Villa Drive cul-de-sac and Kelley street cul-de-sac – we think this is similar - we did have a chance to look at Gino Carlucci's review memo - He is correct, there is a public portion and a private portion to Kelley Street – our argument – if you look at the Camelot decision – what you would find out is that that PB wanted Kelley Street to only be done as a sidewalk and not as a road – Our argument is a fairness argument – if there is no real appreciable difference to what we want to do as compared to what has been allowed to be done with Camelot III

In no way, are we trying to capitalize on a mistake – this was an intentional decision by the planning board at that time to not require a through street – these lots have adequate access for police and fire – the prior planning board felt very comfortable with allowing the houses to be built with access from the cul-de-sacs

Andy Rodenhiser – there isn't a street there

Jim Roberti – there is a sidewalk – that was the limit of construction that they wanted done

Paul Yorkis – I was a member of the planning board at that time – at that time, I had no relationship with the applicant. I had nothing to do with anything associated with what the applicant is now proposing – I want that noted for the record

Paul Yorkis – if I may give history – the developers of the Camelot III subdivision and the then planning board were involved in litigation – the PB denied the original Camelot 3 plan – as a result of an agreement between special town counsel and the applicant, a proposal was made to the PB that would allow specific lots to be constructed, that the private portion of Kelley Street and Vine Street would not be constructed, but the 3 lots could use that frontage

Camelot III dealt with property on the south side of Kelley Street and Vine Lane – there was substantial concern about not having all the traffic come out to Kelley Street – that is why it is only a sidewalk – the agreement was signed by members of the planning board – and then a modified subdivision plan was endorsed as settlement of the lawsuit – there is no error or chicanery here – this was a conscious decision, made by the PB, myself included – to make sure that the subdivision that was being approved was a compromise

Andy Rodenhiser – what Barbara (town counsel) is saying in general is that the decision of one planning board cannot hold another planning board

Jim Roberti – our argument, if there was a mistake made, the case Barbara Saint Andre mentioned was about a real mistake – we are arguing fairness – if you drive down there and take a look at it – you are going to look at a house that has its frontage – there is plenty of access – does this function well? If you drive down and take a look at it – the other 3 lots are not problematic that most ANR lawsuits are about – we are saying, if it was good for those two lots – why isn't it good for us now? What we have is the mirror image on the other side

Andy Rodenhiser –so where are you claiming the frontage for lot 2?

Jim Roberti – all along

Andy Rodenhiser - the portion of the unconstructed private way?

Jim Roberti – right, but it is no different than the other 3 lots from Camelot III – unless the planning objective has changed and you want to open it up

Andy Rodenhiser – wasn't it also part of that planning board's decision that it wanted to limit the number of houses in the subdivision

Jim Roberti – that is true but that applied to the land south of Kelley Street (Camelot III property)

Chan Rogers – who was the original applicant?

Paul Yorkis – Greg Coras was the applicant for the south side property – at no time was the ownership of the south side ever held by the owners to the north

Jim Roberti – there was no common ownership with that subdivision

Gino Carlucci – the practical aspects of the access – if somebody had 200 feet of practical access but didn't meet the frontage, it still wouldn't be OK – this simply doesn't have frontage on a way – it needs to be in the form of a subdivision application

Corey Finkelstein – Camelot 3's previous owner was Dr. Levy before it was sold to Greg Coras

Chan Rogers – what is considered to be the mistake?

Gino Carlucci – in my comments, I suggested that those 3 lots in Camelot 3 may have been a mistake –

Karyl Spiller-Walsh – so one question, who owns that private ROW?

Dan O'Driscoll – normally, the abutting owners would own to the center line – that right would have to be deeded along

Andy Rodenhiser – so how are you claiming frontage?

Jim Roberti – we don't claim it is on a public way, we claim it is a way shown on a previously approved plan –

Jim Roberti – what we wanted to try to explore – does the concept work? The idea – we have practical access that works – is there a way you would be comfortable – could we come back to you with a subdivision plan and then waive all construction if it is the idea that we are coming in with an ANR plan – do you have a problem with building here? We could come back in with a subdivision plan but then waive the construction – no change in cost or anything to us

Karyl Spiller-Walsh – my comment is this . . I don't perceive this as being a way – it is not a way in existence – it is a piece of land that belongs to somebody – I think it is erroneous to call it a way

Jim Roberti – we own to the stone walls

Andy Rodenhiser – why doesn't your plan show the property line?

Jim Roberti - I have a copy of the Camelot 3 plan –

Bob Tucker - I want to see where Kelley Street is. .

Susy Affleck-Childs – Kelley Street was accepted by the town in 1941 before subdivision control was adopted – but we don't know how far on Kelley Street it was

Andy Rodenhiser – burden is on the applicant to prove

Jim Roberti – we can show you that we own to the stone wall – but how do you feel about the access issue?

Paul Yorkis – with respect to all this – a considerable amount of research has been done by the applicant relative to the distance of Kelley street accepted – the 1941 action and plans that we found indicate that the PB a long time ago, had not communicated to the town clerk various actions when it approved plans that extended Kelley Street – there was never an action taken by the planning board to fully extend

Andy Rodenhiser – so that means that those owners probably own to the center of line

Paul Yorkis – the DPS director would say to you that the Town maintains Kelley Street to the cul-de-sac in terms of all actions that would normally be done by the Town for an accepted way - so at some point in time, the PB may want to do some history and take some action on these

Paul Yorkis – in 1941 Kelley Street extension was accepted - - there was no distance specified or station numbers –

Dan O'Driscoll – we believe that it was accepted to where Crestview is

Paul Yorkis – and then Kelley Street extends beyond Crestview . . . the terminus of Kelley Street is not clear

Andy Rodenhiser – the attorney has presented/proposed an idea – are we opposed to these houses being built?

Andy Rodenhiser – is that possible to build without a bond

Karyl Spiller-Walsh – I would like them to come in with an actual plan - what are they – are they able to build a road – then we could consider waiving that –

Chan Rogers - I don't see any point to make people to jump thru a hoop – which way should we do this –

Andy Rodenhiser – are you in support of them coming back with a plan showing property lines?

Karyl Spiller-Walsh – we don't know what that private parcel is – I am not convinced it is way

Andy Rodenhiser – our lawyer and consultant have not had the benefit of the additional info you have provided tonight

Andy Rodenhiser – another option is for you to withdraw rather than us just saying no tonight – let us continue to share the info with town counsel and give Gino Carlucci an opportunity to review it -

Paul Yorkis – couldn't we do an extension instead of withdrawal?

Susy Affleck-Childs – yes they could do an extension

Chan Rogers – this is a unique situation unlikely to be found anyplace else – I feel it is better to give the applicant some encouragement or tell them it doesn't work – it would not be replicated anywhere else in town – recognize the uniqueness of the layout – either reject the application or tell them what to do - because it is unique and not likely to be replicated anywhere else, we should be recognizing unique situations and not deny the applicant without good reason

Andy Rodenhiser – is it within our authority to waive frontage?

Jim Roberti – maybe the plan could be labeled better – it is a way – all the old research shows Vine Lane as a way – it is not just a piece of land that hasn't been traveled - we own to that stone wall –



Tom Gay – I would challenge your statement that the old way is still there – taking the assumption that something did exist . . . is there an objection to these two lots with access off the cul-de-sac – I am OK with that – I am having pain over who owns it, and how do you get access across it – you would need it off of Villa Drive too – I am struggling with that until I am sure what that ownership is

Jim Roberti – we can do that

Karyl Spiller-Walsh – as a subdivision

Tom Gay – yes, playing by the rules with process

Paul Yorkis – just, if I may . . . before all of our times the area was known as Vine Lane and it really did go to Elm Street - if one looks at when route 109 drainage changed, water came in this direction – the Coakleys raised great concern during the Camelot 3 subdivision public hearing regarding drainage issues – this applicant had nothing to do with that – Vine Lane ceased to exist in a functional manner because of the wetland encroachment – it is there when you look at old maps – I understand the question about ownership – but Vine Lane did exist as a way –

Tom Gay – it doesn't explain the current condition on the ground –

Karyl Spiller-Walsh – whether Vine Lane was a walkway or a bridle path – it is not a parcel that is wide enough to be a layout as a road –

Andy Rodenhiser – it is my belief, it needs to be a constructed public way or a layout with a bond in place

Jim Roberti – I like what Chan Rogers says – we can argue about whether it is or isn't – if we can satisfy what Tom Gay is saying and show the proper ownership and layout and show we have the proper ability to cross it and then give you a subdivision plan and then request all the waivers of construction –

Rich Gallogly (attorney in audience) – the statute does not provide the allowance to extend an ANR plan

Jim Roberti – At every planning board we have ever been at, they have done extensions - our intention is not

Chan Rogers – what is the matter with withdrawing and coming back with another plan?

Bob Tucker – you don't have names and status of all the public and private streets on the plans - it doesn't show me any owner or width

Jim Roberti - I understand what you want –

Susy Affleck-Childs – does the deed for Rosenberg property call out the stone wall??

Jim Roberti – yes

Jim Roberti – I have a plan prepared by Paul DeSimone that may help us - - it is an unrecorded plan from 990 that shows Kelley Street extension – we took the Camelot III plan and the 1990 DeSimone plan to make this ANR plan

Bob Tucker – there has to be an owner for the land north of Camelot III

Paul Yorkis – we would like to continue this hearing and come back to you under this application – we want to keep this application open and comply with the requests that have been made this evening – and have the opportunity to interact with counsel to discuss their letter and also to prepare a plan that would reflect what a subdivision with all waivers would look like - - we will request an extension -

Susy Affleck-Childs – I cannot advise you to keep this open; you have 21 days to act – if you don't act, by default it is approved.

Paul Yorkis – I mean with an extension

Chan Rogers – Common law says that anything that has been used as a way, common law makes it a way and you don't have to prove ownership –

Susy Affleck-Childs – the only attorney that is our attorney is town counsel

Andy Rodenhiser – do you want to give an extension or deny the plan?

Chan Rogers – if we have done it before I would say let's give an extension

Susy Affleck-Childs – we have done so in the past without any problem

Karyl Spiller-Walsh – are we going ahead with it as a consideration as an ANR?

Paul Yorkis – we just received tonight the letter from town counsel - in all fairness to the board and to us and to the applicant and applicant's counsel, it is in everybody's best interest to take some time on this

Andy Rodenhiser – Jim, if your client directed you to act after 21 days, would you do so?

Jim Roberti – I am giving my word to the board that I would not proceed (to file for automatic endorsement if 21 days pass after submitting an application without PB action)

Paul Yorkis – I have given you my word as well

A motion was made by Chan Rogers, seconded by Tom Gay to extend the deadline for Planning Board action on the ANR plan to January 15, 2009. The board voted 2 in favor (Chan Rogers and Tom Gay) and 3 against (Andy Rodenhiser, Karyl Spiller-Walsh and Bob Tucker). The motion fails

Chan Rogers - what is the wish of the majority?

Karyl Spiller-Walsh – I move that they come in with an actual plan of the property lines to be evaluated as a subdivision

Andy Rodenhiser – and you want them to withdraw?

Karyl Spiller-Walsh - I would like to see a more revealing plan, and waive fees

Andy Rodenhiser – would applicant consider that?

Paul Yorkis – yes

Bob Tucker – I would also suggest that you look very careful at 3.1 and 3.2 of the rules and regs and make sure you have addressed every item clearly and succinctly -

Susy Affleck-Childs – this has to be the applicant's action to withdraw

Andy Rodenhiser – could somebody on the board make a motion to waive the (ANR) application fees if the applicant withdraws and resubmits?

A motion was made by Bob Tucker, seconded by Chan Rogers to waive any future ANR application/filing fees for this site if a revised ANR application was filed by January 15<sup>th</sup>, 2009 and that any fees that are presently held in escrow would remain. All YES.

Paul Yorkis – The applicant would respectfully request opportunity to withdraw this ANR application

A motion was made by Chan Rogers, seconded by Bob Tucker to accept the applicant's request to withdraw the present ANR application. All YES.

Rich Gallogly – I represented Greg Coras in the Camelot III - I will see if I have anything in my files about this . . .

NOTE – The board took a brief break 10:25 pm

#### **4 Main Street**

Bob Potheau, owner  
Barry Cluff, TNRC Realty

Bob Potheau – at the last meeting we talked about coming in with a master signage program – I am here for your recommendation on a master signage plan – this is not an application re: tearing the building in the middle down – as Karyl Spiller-Walsh said there was plan A and B – what

happens if the building is torn down – but I would proceed with a sign plan based on your recommendation

Andy Rodenhiser – so you are looking for a recommendation on tearing down the building?

Bob Potheau – Susy Affleck-Childs suggested I give you a drawing of what would be left if the building was torn down – so I have another one for you - if we tore the building down, we would put auto display there in its place - we would use the same fencing – what you see in green is an 8' high Morton Fence (metal panels) similar to between MetroWest and the house with brick wainscoting for the first 3 feet – exactly the same –

Karyl Spiller-Walsh – what is the Apollo building?

Bob Tucker – it is a barn

Bob Potheau – it is a 1980 vintage building – it is NOT non-conforming

Karyl Spiller-Walsh – is topography flat or slope??

Bob Potheau – it is relatively flat – if you look at the planting area, it is a concrete walkway and there is a retaining wall that holds it up

Andy Rodenhiser – I think it looks MINT without the building there –

Bob Potheau – it would be use for display for cars

Bob Potheau – the proposal we would make for the sign is to move it a little closer to the driveway – more visibility – safety issue – probably about 5 feet to the west – the curb cut – this sign would be for the businesses in the back

Bob Potheau – we started on this site plan about 3-4 years ago – when the road (route 109) was widened, they raised the road in front of my large building and then we had a large building that we could have a staircase or a ramp to that is probably as nearly unsightly as the one we want to tear down – I worked out something thru 19 months of permitting process (for the western building - the sidewalk level was about 5 feet up – we came up with a plan to be able to make the front appear and hide the back – we have made a building look like it fits there – in doing that – there are 3 driveways – the whole site has 320 feet frontage – one parcel – the minimum zoning is for 100 feet wide parcels – we have 3 driveways that are not connected (internally) – traffic routinely goes by there at 60 mph – dangerous intersection at Oakland Street - we are talking about a directory sign – nothing that is back lighted – keeping the sign to the 8 foot height level – the zoning at that time allowed us certain things similar to Medway Commons - if we don't have a sign at the driveway specifying what the businesses are, people would go past the place, then they would pull into MetroWest Auto to see if they can go to the place they passed by and try to drive around back – they can't

I propose one sign at each driveway, each individual business sign would be 4 sq. ft that would be allowed for the accessory signs but

Andy Rodenhiser – does it comply with the zoning bylaw?

Bob Potheau – no

Tom Gay – so instead of treating it as though it is one development, you are proposing to deal with it as 3 separate?

Bob Potheau – just signs so people know where they are pulling in

Bob Potheau – my property is legally 4 Main Street – the next number that is built (to the west) is 20 Main Street – the lot that is just to the west of me is Rosenfeld – I think they are # 6 – but they could be anything up to 18 – we would need to make a proposal to the assessors to adjust the addresses – it would be OK with Rosenfelds –

Andy Rodenhiser – if this is presently one parcel, how out of compliance would the signage be

Bob Potheau – for the zoning that was in effect at the time I applied for permits . . . for a question of uniformity, etc. – what I propose instead of having one large directory signs is to have a sign at each driveway – then we would have signs that would have different addresses – but I am proposing 3 signs – and I would be looking for the zoning board to look at this and see if it was safer – I would like you to get your recommendations as to what is best

Tom Gay – if you look at this and look at it as industrial district – he is talking about looking at 3 buildings as though they were individual free standing establishments – there is a logical argument that you are making that makes some good sense for the configuration of the property

NOTE – Bob Potheau showed actual flower size to decorate the top of each sign and showed actual size of individual slats

Andy Rodenhiser – any feedback?

Karyl Spiller-Walsh – we have been looking at this at DRC – informally we came up with the same observation – it makes more sense to do this . . . but I think the question is what he wants of us – I think what you need to do is to go to the ZBA -

Chan Rogers – observation, it is a preexisting condition to have 4 disparate uses on one property – it appears you could not have one sign what is contained in all four – it is better to have signs for each entrance- it would appear to me to it would be in your interest to have separate numbers – you should start the ball rolling to make a specified proposal

Tom Gay – assuming that we are in support of saying that it is freestanding and we would support you in doing it that way like what you are now proposing

Susy Affleck-Childs – however, the new zoning district that was approved in June has much more stringent sign provisions

Bob Potheau – I believe the (sign permit applications) came in under the old zoning

Bob Potheau – if the ZBA feels this is good, I want to do it

Andy Rodenhiser – is there a freeze provisions for signage?

Gino Carlucci – no

Chan Rogers – because of the prior situation and the overlap of the signage requirement there is wiggle room

Bob Potheau – it is a ZBA issue – I think I can propose to them the idea of getting rid of the building that is too close to the street – plus the driveways not being

Andy Rodenhiser – Gino, what is your perception?

Gino Carlucci – he needs a variance (from the ZBA) either way whether it is under the old zoning or new zoning

Andy Rodenhiser – any other questions

Bob Tucker – I think this would be an improvement over a single sign

Karyl Spiller-Walsh – thinking how the zoning board thinks . . . they might say to you that the hardships you are going to present are your own device –

Bob Potheau – I understand that – and I have a rebuttal for them . . .

Andy Rodenhiser – I would like to have a motion that we craft a letter in support of this

Susy Affleck-Childs – he also wants to do internally illuminated channel letters which would not be allowed in the new (Business Industrial Zoning District)

Bob Potheau – the size of the letters does conform – more energy saving than externally illuminated

Bob Tucker – low level channel letter lighting would be better and less intrusive than fluorescents

A motion was made by Bob Tucker, seconded by Chan Rogers for the Planning Board to write a letter of recommendation to the ZBA in support of this sign plan. All YES.

Andy Rodenhiser – Tom, would you draft a letter for us and bring it back to us and then we can vote on it and sign it and send it to the ZBA

Tom Gay – I am the liaison to the ZBA. That makes sense. I can do it next week. .

### **The Meadows – Request for Bond Reduction**

Rich Gallogly, attorney

Rich Gallogly – the general issue is that there is legal review of documents and some engineering review that needs to be paid for – to cut thru the chafe – I thought an easy way to do this is to request a reduction in the bond – the bill is for \$5,075 – the specifics of what those reviews turn up –

Rich Gallogly – this subdivision was originally applied in 1997 and the rules and regs from that time govern this

Andy Rodenhiser – what is going to take to fix the problem?

Rich Gallogly – a few plan issues to be put on the plan - how can I get a solution here to get this done – Ralph Costello (developer) doesn't want to spend any more money out of pocket - I thought we could look to the bond fund – I thought it was a solution -

We had documents done several years ago that were reviewed by then town counsel, now you have Barbara Saint Andre – she has to review them –

Bob Tucker – if you had more in your bond, I would feel better.

Rich Gallogly – I would suggest that the minimum you have is not a regulation – let's see if we can work something out –

Andy Rodenhiser – wouldn't you agree the bond money is there to complete the work – it is several years and it still isn't done -

Rich Gallogly – we are done with the work, nobody is going to disagree with that – Ralph will not spend any more – he spent a lot of money on his ADA compliance – you are applying new regs to an old subdivision – we don't have big construction work – VHB reviews –

Susy Affleck-Childs – there is the matter of 3-4 lots whose access is from driveways that go on abutting property without the benefit of easements – VHB's letters going back to 2002 note this as a problem in that the lots would not conform to zoning. They have done nothing about this and feel it is beyond the PB's purview

Rich Gallogly – I want to have town counsel discuss this matter of the easements –

Andy Rodenhiser – Mr. Costello is not willing to put up the money

Susy Affleck-Childs – Also, I am informed that the developer did not retain the fee in the roadway

Rich Gallogly – we would look to have the town take the road by eminent domain –

Andy Rodenhiser – what if we reduce the bond by \$2,500 and Ralph comes up with \$2500 – but I am concerned – if you have to start dealing with landscaping issue -

Rich Gallogly – we aren't going to do that

Chan Rogers – We need to get Barbara's position on it –

Rich Gallogly – I would advise him to agree with your proposal

A motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers to reduce the Meadows bond by \$2,500 and direct the funds to the subdivision's construction account, with the condition that Mr. Costello will provide \$2,575, to do the bond reduction upon receipt of the money from Ralph Costello. All YES

Rich Gallogly - It is OK for the treasurer to give \$2500 from bond reduction to the PB

### **Public Hearing Continuation – Proposed amendments to Medway Zoning Bylaw**

Chan Rogers – we should continue with recommendation on Commercial VI to town meeting

Tom Gay – I agree- I think it would be spot zoning otherwise

Bob Tucker – her concerns are not a show stopper

Karyl Spiller-Walsh – we will then resume in earnest to correct the problem – as we have talked about

Andy Rodenhiser – maybe we ask Tom Gay as the ZBA rep to take the letter we got or maybe have a joint meeting with the ZBA

Susy Affleck-Childs - I think that is very important – The ZBA feels very strongly about keeping site plan and special permit separate

A motion was made by Tom Gay, seconded by Chan Rogers to recommend approval of Article 20. All YES.

A motion was made by Tom Gay, seconded by Bob Tucker to recommend approval of Article 21. All YES.

Public hearing concluded . . .

Susy Affleck-Childs – At the suggestion of Town Counsel, I would ask that you go into executive session for purposes of discussing pending litigation



A motion was made by Chan Rogers, seconded by Bob Tucker to go into executive session for the purpose of discussing litigation and to not return to the public meeting

Roll Call Vote

Bob Tucker – yes  
Karyl Spiller-Walsh – yes  
Chan Rogers – yes  
Tom Gay – yes  
Andy Rodenhiser – yes

The motion to go into executive session was APPROVED.

11:25 p.m. – Begin EXECUTIVE SESSION

11:28 p.m. – Conclude EXECUTIVE SESSION

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The Planning Board returned to regular session at 11:29 p.m.

A motion was made by Chan Rogers, seconded by Tom Gay to adjourn the meeting. All YES.

The meeting was adjourned at 11:30 PM

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

## **November 8, 2008 Planning Board Meeting**

**PRESENT:** Bob Tucker, Tom Gay, Karyl Spiller-Walsh, Andy Rodenhiser

**ABSENT WITH NOTICE:** Chan Rogers

**ALSO PRESENT:** Susy Affleck-Childs, Planning Board Assistant  
Barbara Saint Andre, Town Counsel  
Glenn Trindade, Board of Selectmen  
Ken McKay, ConCom

Called to order at 8:06 am

**Citizen Comments** – None.

Discussion focused on the November 10, 2008 special town meeting.

**Article 22** – Street Acceptances.

Ken McKay – I am here, but not as a representative of the ConCom. I can only speak from my own perspective.

Paul Yorkis – Representing Granite Estates, Inc.—I am an officer and can make decisions on behalf of the corporation.

I would like to thank the Planning Board and others for being here this morning. The issue is simply this: an Order of Conditions was issued by the Medway ConCom. It was appealed by an abutter. As a result, the Mass DEP Worcester Office issued a Superseding Order of Conditions. That was not appealed by any party. The work progressed under the Order of Conditions which included changes to drainage and things of that nature. The Town of Medway ConCom issued an Enforcement Order because they believed we had violated the Superseding Order of Conditions. The work was completed. Mass DEP issued a Certificate of Compliance in response to our request for such. That information has been shared with the Planning Board and ConCom. ConCom did not feel that we adequately addressed their concern under the enforcement order. As a result, the applicant did additional work, even though we had the DEP Certificate of Compliance. We constructed a vernal pool replacement in the same location as the certified vernal pool, and we have done everything we can. As far as we are concerned, there is no outstanding enforcement order. We have tried to cooperate. We believe it is null and void because the state has issued a Certificate of Compliance. We are in full compliance with all the other aspects required by the Planning Board. It is our position that the roads should be accepted.

Andy Rodenhiser – Questions. Has anybody been by to look at it?

Tom Gay – I have.

Karyl Spiller-Walsh – Refresh me to the status of the vernal pool.

Andy Rodenhiser – My understanding is that it has been reconstructed. It is my belief, from talking with Dave, Travalini, that they would like to wait until the spring to see if the work holds. I was there yesterday. There are two monitoring wells.

Paul Yorkis – We have been paying the firm as a result of the request from ConCom – 3 individuals have been paid to monitor 2 vernal pools for 4 years.

There are two independent vernal pools (on Parcel D) – one at the rear and one forward. The forward one is closest to the street. That is the one in dispute (near guardrail). The water table functions differently in each vernal pool over the past 4 years – the relationship of the water tables in the two pools has been consistent - the levels are different – when water table comes up – designed to hold water for 2 months per the state law and national heritage standards. It was engineered and constructed under the direction of a civil engineer, botanist, hydrologist, etc.

Andy Rodenhiser – is there any certifications from them –

Paul Yorkis – Not at this time. They did have as-builts that they were going to present to ConCom Thursday night.

Ken McKay – A few things (to clarify). The enforcement order was not issued against the Superseding Order of Conditions. It was issued because witnessed damage was being done to the vernal pool. That order is independent of the Superseding Order of Conditions.

What we have seen done in the past 4 weeks is a tremendous effort to mitigate the damage – I applaud him – it has been 4 years – we realize the old vernal pool is gone – it is impossible to bring it back – once upon a time, the ponds functioned at the same level

Paul Yorkis – What has just been said is factually incorrect. The two vernal pools were never connected – uplands separating them – that was never disturbed

Andy Rodenhiser – Is there a hydraulic connection?

Ken McKay – At ground water level, yes; at surface level,

Andy Rodenhiser – Testifying to what you know, is it true what he said?

Barbara Saint Andre – This is a fascinating discussion – but you are not the ConCom- you are here to determine whether they have complied with your (subdivision) certificate of approval – I am hoping that the board will get to the certificate of action , to determine whether that has been accomplished.

Andy Rodenhiser – I understand. I am trying to show respect to ConCom in terms of their concerns. I am not trying to be the ConCom. We do want to get people's info here.

Karyl Spiller-Walsh – What I heard Ken McKay say is that at some point there was a water connection between the two pools

Ken McKay – I do not know if they were truly contiguous. We know the old pool is gone. It is substantial. It had great depth. Our concern is that a new habitat be able to form

Andy Rodenhiser – Would you agree that it is on parcel D?

Ken McKay – Yes.

Andy Rodenhiser – Have you guys accepted.

Ken McKay – No.

Paul Yorkis – The Certificate of Compliance of the DEP trumps any and all enforcement order

Andy Rodenhiser – Was DEP aware of the ConCom enforcement order?

Paul Yorkis – Yes.

Ken McKay – I am telling you from a lay persons perspective

Ken McKay – The applicant is responsible for remedying. The entire course of action has been theirs. We will not rule on the functioning of the vernal pool until the next certification period which would be next spring, 2009.

Glenn Trindade – If we accept the roads, do we have to accept the parcels?

Andy Rodenhiser – Yes, unless we modify the (subdivision) decision – the decision states that prior to acceptance of the public roads, parcel D needs to be accepted by the town

Glenn Trindade – If we accept, and the vernal pool doesn't function in the spring, whose responsibility...Do we have liability? Yes or no?

Barbara Saint Andre – The owner of the property is responsible for whatever the issues are under the Wetlands Protection Act.

Andy Rodenhiser – Could we be provided with some sort of indemnity?

Glenn Trindade – Then we are in a nightmare position because now the Town has to take on the responsibility. We need to get this taken care of. The developer is trying to do the right thing. We should be trying to do everything we can to make it easy to go through the process. I am uncomfortable with any one board usurping any other's responsibility. What comes to mind is the Planning Board when you worked on the Medway Commons site plan and the Board of Selectmen completely disregarded your recommendations - if we are going to go thru the process - I am very disappointed that the chairman of the ConCom is not here.

Andy Rodenhiser – Were they notified?

Susy Affleck-Childs – Yes.

Paul Yorkis – What I have shared with the secretary of the Planning Board and with the chairman is that the applicant has indicated, and will formally indicate, to the Planning Board and to the Board of Selectmen that we currently have a \$40,000 bond being held by the Planning Board. We have agreed to allow/permit to have the Planning Board hold \$20,000 of that \$40,000 until after the spring when the vernal pool will be in a position to function for 60 days and have appropriate egg masses that are defined as laying eggs – one of those two criteria needs to be met under National Heritage – I would suggest the town accept the roads, keep \$20,000 until that period of time that the town has been assured that it (the vernal pool) functions.

Andy Rodenhiser – Barbara, do you see a way? Is there a way for us to come up with an agreement?

Barbara Saint Andre – If they are willing to do that, I would suggest you have the ConCom hold the bond.

Paul Yorkis – We will not agree to do that.

Ken McKay – We have no mechanism to do bonds.

Barbara Saint Andre – Does the Board of Selectmen have the authority? The purpose of the bond that they are going to let you hold is to ensure function of the vernal pool under the authority of the ConCom. I don't think it makes any difference.

Andy Rodenhiser – Could we make that agreement?

Barbara Saint Andre – Is the Planning Board going to make determinations as to vernal pools?

Andy Rodenhiser – Is this board prepared to take action in the spring on the recommendation of the ConCom to release the bond?

Karyl Spiller-Walsh – Let's go back. Because we don't know the failure or success of the vernal pool until after the winter, how do we know that \$20,000 is going to (be enough) to correct that problem? I would suggest we keep the full amount of the bond until spring.

Paul Yorkis – Then don't accept the roads under those conditions. That is unfair, unreasonable, and unwise.

Andy Rodenhiser – Any cost estimates of what it would cost to replicate it a second time?

Paul Yorkis – There is no reason to redo it. The whole idea is not to make it a pond – any deeper to go would turn it to a pond. Some water comes from surface; some comes up. The idea and goal under the certification for vernal pools is that it needs to function for two months and have egg masses.

Andy Rodenhiser – Thoughts?

Tom Gay – Based on the paper trail – I am catching up – I agree with Paul that we either do it or we don't. I am okay with a partial guarantee and accepting the roads – everything else in this packet says it is fine

Bob Tucker – I don't disagree with what Paul has presented here. And I have talked with Ken McKay previously – what I see us trying to do right now is to usurp another board's responsibility. I don't agree with doing that. The fact that they haven't stepped up to the plate, and had a meeting, and addressed this does not set well with me. The paperwork needs to be clean when it comes to us. We are trying to slam something home at the 11<sup>th</sup> hour.

Ken McKay – It is unfortunate that we didn't have a meeting (November 6<sup>th</sup>). Our quorum evaporated. We couldn't have voted. We cannot lift the enforcement order responsibly until we see it functioning – they have made a marvelous attempt to restore this – we want it to succeed – we cannot rule on its success

Bob Tucker – It is not completed; therefore we shouldn't be considering this at this time.

Paul Yorkis – As a good faith effort we have done everything we were asked. The commission is incompetent in its knowledge of its act. The enforcement order is null and void because you have a certificate of compliance from Mass DEP. The ConCom enforcement order is nothing. Now – an understanding that an applicant has made an effort to comply with a null and void enforcement order – we chose to proceed to address their concerns and not go to court –

Ken McKay – I don't want this to be controversial.

Paul Yorkis – You have failed repeatedly to conduct yourselves in professional manner.

Andy Rodenhiser – Let's stop the discussion.

Andy Rodenhiser – Barbara Saint Andre, does the state order supersede?

Barbara Saint Andre – Whether it does or doesn't isn't the issue. The issue is whether the roads are ready for acceptance. Condition #14 (of the subdivision decision) requires that a deed has been tendered to the town and that there be a vote to accept

Andy Rodenhiser – There is a February 2004 ConCom memo agreeing to do so

Barbara Saint Andre – That memo is in response to Condition #12 – we have to have both acceptance of the deed from ConCom and BOS

Barbara Saint Andre – It is a statement of intent.

Ken McKay – When these letters come out – we have been asked to express our opinion or desire about accepting open space.

Paul Yorkis – Our attorney sent to the Planning Board a series of deeds some time ago. I have no idea whether they have been reviewed by town counsel. I have requested a status report. Up to and including this moment, I have not received an answer.

Glenn Trindade – This should be pretty black and white. 2004 precedes my being on the board. I haven't seen anything on these parcels to accept these as open space.

Susy Affleck-Childs – The practice is to accept roads, parcels and easements all together.

Barbara Saint Andre – There is no problem with doing it all together.

Andy Rodenhiser – On face value of the letter, it seems like they are okay.

Karyl Spiller-Walsh – Can we separate the street acceptance from the decision? The parcels are a part of the decision?

Barbara Saint Andre – The key is the part that says these parcels have to be accepted by the town. I don't want to sit here and have you make a decision about whether vernal pools function. The only issue is your certificate of action. I assume you have a checklist.

Paul Yorkis – It is a very long list.

Barbara Saint Andre – As Susy Affleck-Childs says, if you had something from ConCom and Board of Selectmen that says they would be okay, that seems to be the last issue.

Paul Yorkis – I just want to share the following – If the Planning Board's decision to make a decision is based on another board's decision, that is really unfair to any applicant – if this commission or any board were to say we are not going to act in the manner being asked – the applicant is left high and dry – We have followed the letter of the law. I understand and appreciate the commission's concern about the functioning of the pool. I appreciate it. I understand chairman Trindade's comment relative to making sure the pool is functioning. That is why we would agree to have the Planning Board hold half of the bond until such time as it meets the criteria for vernal pools as outlined under the act.

Karyl Spiller-Walsh – I was on the Planning Board when this came about. One of our huge concerns – proximity of this vernal pool

Paul Yorkis – These parcels were never vernal pools until after an appeal was made by an abutter and then certified after the appeal about 6 months – we were well into our construction process after the cert of action.

Barbara Saint Andre – When you say to hold back half of the bond, are you asking the board to accept all the roads and all parcels, or not accept parcel D?

Paul Yorkis – I would go with whatever your recommend

Barbara Saint Andre – You wouldn't have a problem with holding back on parcel D.

Andy Rodenhiser – Our decision says parcel D to be conveyed – Paul Yorkis is saying it is not fair

Susy Affleck-Childs – When we wrote the text of the decision it was to remind us to make sure to accept the parcels as well as the streets. There had been other subdivisions where the town had not accepted the associated parcels and it made for problems.

Andy Rodenhiser – If we accept the parcels, we take liability. If we take streets, we get chapter 90 money and the residents get their streets taken care of. The ConCom still gets their say on parcel D. Can we still do the bond agreement? That would provide additional assurance.

Barbara Saint Andre – Obviously. The problem I am having is that Conservation would have the bond. Apparently they don't have the authority – a lot of ConComs do that – I guess we would have to think of some way to do that – assuming town meeting votes to accept and (the paperwork) is recorded in 120 days, that is usually it from a Planning Board's perspective

Barbara Saint Andre – I suppose we could say Condition 14 continues in effect. Normally, once the 120 days goes by, if you haven't fully complied, you have agreed to post a bond to assure compliance. I am not recommending this is a perfect way to do it.

Tom Gay – Almost a new bond.

Tom Gay – The liability issue of the open space... with this certification by DEP that the order of conditions is met – what is the liability?

Barbara Saint Andre – I don't want to speak for ConCom. ConCom takes a position that they have local wetlands bylaw that is more strict than the state law in regard to vernal pools. ConCom feels that they still have issue under the local wetlands bylaw, I believe.

Andy Rodenhiser – So when he said the certification from the DEP supersedes or trumps them, how can that be?

Paul Yorkis - I am not an attorney but I understand the wetlands protection act pretty well. Communities that have (conservation) bylaws, as Medway does have, are supposed to issue two orders of condition – one per the state act and one per their bylaw. That was not done, to the best of my knowledge. I have not seen that (practice) in Medway. The Town of Franklin issues two – one under the act, and one under their bylaw, and they can conflict. The Town of Medway, if you look at the order of conditions (form), it references only the state. If you look at the enforcement order, it does not make any reference to the local bylaw. That is a defect in how the Medway ConCom conducts its business. It is very difficult to work with them. You don't know what you are supposed to respond to. We have received a superseding order of conditions from the state



Barbara Saint Andre – I don't believe you have to have two separate orders. I understand that is often a reference at the top of the form that would reference the local bylaw - the enforcement order (in this case) does not specifically state what authority

Andy Rodenhiser – I want to say several things- I agree with Tom Gay that the documents and the paper trail are strong - Based on my own interaction with the ConCom during my time here on the board and as well as what Bob Tucker just said – I am upset that we are put in this position – I am bummed out that the chairman of the ConCom is not here today – that they are leaving us in this position – to Glen Trindade's point – if boards are going to work together, it takes two – we are being left here – I hope we can find a way to carve out parcel D as a board and get the bond money and that will provide the best solution for the applicant, town, residents, and some due process for some methodology

Karyl Spiller-Walsh – How much time?

Andy Rodenhiser – ConCom says in the spring.

Paul Yorkis – I would suggest that there is going to be your annual town meeting, and if the Planning Board is so inclined, to have acceptance of parcel D be on the warrant for that meeting and hold the bond until that time. We are confident and comfortable

Andy Rodenhiser – I think it avoids litigation for the town – fairness doctrine –

Andy Rodenhiser – Do you see any problems with it?

Barbara Saint Andre – I am not going to comment (whether) \$20,000 is enough.

Barbara Saint Andre – You would hold it under the subdivision decision based on Condition #14 - you determine that it has not been complied, not complied fully, but we are recommending streets be accepted but not parcel D, hold back part of bond, to comply with Condition #14

Karyl Spiller-Walsh – I am comfortable

Bob Tucker – Susy Affleck-Childs, under specific conditions of conditions of approval, are there any issues?

Bob Tucker – So the only issue is really parcel D?

Andy Rodenhiser – Yes.

Bob Tucker – If everything else is completed, and we can do an exception around parcel D, is that legitimate? That is what we are coming down to.

Barbara Saint Andre – Condition #14 – if they haven't done, then they haven't complied.

Bob Tucker – Is it legitimate to make an exception? Is it within our authority to do so?

Barbara Saint Andre – What you are doing is accepting bond money, whenever you build a subdivision, to ensure that all the conditions are complied with. So, that is the purpose of the bond money. What you are saying is that this particular condition, you haven't done that – I think it is yes, you can do that – I want it to be clear – it is within the Board's authority to accept bonds to assure completion of conditions in here

Bob Tucker – All we are looking at is a demonstration that the vernal pool functions.

Barbara Saint Andre – No, you want to see acceptance of parcel D - ConCom is looking at how the pool functions

Barbara Saint Andre – It seems they won't accept it until they are comfortable with its functioning.

Bob Tucker – I am still disappointed that ConCom has not met.

Bob Tucker – I will also reiterate: if everything is not ready and complete, we shouldn't be looking at accepting anything. I do believe there are occasions when some exceptions could be made. This is one of them. Whether or not the recommended bond be kept in place is sufficient to cover any reparations that maybe required in the future I don't know – I have a gut feeling, I have no ideas – it could be way more, or way less. I would be more concerned with having a warranty of sorts from the corporation (developer) that would indicate they would go in and take whatever actions deemed appropriate and necessary to ensure the operation for that system as a vernal pool. So bond dollars, as far as I am concerned—I am more concerned about the organization and the individuals providing a warranty of sorts, shall we say, to go through that first cycle.

Paul Yorkis – The sum of money which was proposed (\$20,000) is twice as much as would normally be required to do the work. Based upon the work, what would be entailed would involve removing leaf litter, top soil, sub soil and going down in one location approximately 2 feet, which in essence would create a pond vs. a pool; and then replace all of that area, that is 20 x 20 feet. We are overkill on it. And that is the work being supervised by a botanist, civil engineer and hydrologist—we are very confident that that is not going to be necessary based on 4 years of monitoring. I don't know how to warranty this. The \$20,000 is there to ensure that if what I have described doesn't happen

Karyl Spiller-Walsh – So, one of my questions, at that point, assuming at that point, it doesn't work and you did repairs, would we need another year's cycle?

Paul Yorkis – Yes, you would need another cycle.

Andy Rodenhiser –Are you willing to put a warranty forward from the corporation and personal guarantee?

Paul Yorkis – Personally, no. The corporation is a viable corporate entity. We are comfortable with the bond

Karyl Spiller-Walsh – I still am not comfortable with the amount of the bond. We are expected to jump in

Andy Rodenhiser – If we don't accept parcel D then we don't accept liability.

Karyl Spiller-Walsh – I don't want to get into the vernal pool questions.

Andy Rodenhiser – We could recommend to not accept.

Karyl Spiller-Walsh – We are trying to be a fair participant. It is good idea to go ahead and accept the roads, having seen many times that the town and the Planning Board is left holding the bag

Andy Rodenhiser – If we don't accept parcel D, then Granite Estates, Inc. would continue to own parcel D.

Bob Tucker – If it is legitimate action, I am OK.

Karyl Spiller-Walsh – if we don't accept parcel D and it fails, we will need an extension on that – what recourse do we have to eradicate the problem

Andy Rodenhiser – We continue to hold the \$20,000 bond indefinitely.

Bob Tucker – And they keep paying taxes.

Paul Yorkis – We have paid separate and distinct \$5,000 in anticipated legal feels.

Barbara Saint Andre – Question: am I correct that the town doesn't need to have parcel D for the stormwater system?

Paul Yorkis – The structures are in the street layout, not on parcel D.

Andy Rodenhiser – There is no maintainable infrastructure on parcel D.

Barbara Saint Andre – No detention pond on parcel D?

Paul Yorkis – No.

Andy Rodenhiser – It is very deep away from the roadway.

A motion was made by Bob Tucker, seconded by Tom Gay to recommend acceptance of the roadways (Freedom Trail and Independence Lane) based on the condition that the board will retain \$20,000 of the bond until Condition 14 (of the subdivision decision) is complied with, and not recommending acceptance of parcel D at this time and that we craft mutually agreeable new agreement for the \$20,000 to protect the Town's interest in parcel D. APPROVED.

Paul Yorkis – Who is going to craft the agreement?

Barbara Saint Andre – I will do that.

Paul Yorkis – Please send to bill Sack and me

Paul Yorkis – I would like to thank you and staff and town counsel. This has been a very difficult time for the applicant and me, trying to get this done. We have tried to operate in good faith, and it has not always been reciprocal. I sincerely appreciate you being here today.

Andy Rodenhiser – Doing our job.

Bob Tucker – Make sure it works.

### **Broad Acres/Country View Estates Street Acceptance**

Andy Rodenhiser – The original connection was on Ken McKay's property. The pedestrian easement was never recorded. Where it is shown on plans is in the center line of the sewer, and you can't actually walk it. What has occurred on the ground is about a 2 foot wide in places to a 3 foot wide footpath that goes down the edge of the driveway. The sewer easement goes across the lot. It looks normal, and it is on their property. It continues along the private property and joins back up past the sewer structure. What Ken McKay has described is a desire to keep it in that fashion. He moderates the area in terms of people's behavior. He prefers having it in his ability to modify, but that is what it is. If we move the easement to one side, it allows it to work; and I would suggest, even though this happens on paper, it will continue to function.

Mrs. McKay – The paper that Greg (Whelan) gave us said 10 feet.

Andy Rodenhiser – Greg never secured the pedestrian easement when he sold the lot. Apparently Greg can't work out stuff with the McKays.

Andy Rodenhiser – Greg and his wife have thrown up their hands. We have \$72,000 left in the bond.

Bob Tucker – It is his responsibility to provide everything that is needed. If he is throwing up his hands, we are not going to do the job for him. Sit on the bond money. He will get hungry. I don't want to accept the streets that way

Karyl Spiller-Walsh – Having been there through the phase of the walking easement – the intent was to have an ability for people to casually walk through and between subdivisions. I don't see it as a deal breaker. Are the McKay's okay to allow people to walk across?

Andy Rodenhiser – What if they sell their house tomorrow?

Bob Tucker – How much use does that get?

Mrs. McKay – Varies

Andy Rodenhiser – There is a litany of legal issues on all the lots.

Karyl Spiller-Walsh – I appreciate that situation. You know how I feel about public access with good reasons

Barbara Saint Andre – This is quite a project. I am more concerned about the sewer easement. It is there and must need little or no maintenance. We want to make sure the easement is in place. Nobody wants to have an issue on their property. As far as the streets go, I don't care whether you accept them or not. There are drainage easements to go with it; we have to get those.

Tom Gay – If job was done correctly to start with . . . it would not be a job down the line. I would be inclined to say no; don't forgive his transgressions. He has a responsibility to do his job the right way, to satisfy our needs and the landowners.

Karyl Spiller-Walsh – That when this project was done. The standards of the town were different. What he did was consistent with business at the time

Tom Gay – If he did it in short order, if he had done things the right way from the get go there wouldn't be a problem

Mrs. McKay – Are you talking about the whole development? Are we holding this up?

Andy Rodenhiser – Yes, Karyl Spiller-Walsh is even okay with abandoning the least of the

Susy Affleck-Childs –

Barbara Saint Andre – They are proposing that the

A motion was made by Tom Gay, seconded by Karyl Spiller-Walsh that we not (re) accept the Broad Acres and Country View Estates streets (Broad Acres Farm Road, Stable Way and a portion of Olde Surrey Lane). APPROVED.

Barbara Saint Andre – I will talk to the Board of Water and Sewer Commissioners re: the sewer easement they can take care of that. We will do that independent of everything else.

Susy Affleck-Childs – You have to know that this is going to be very difficult – there will be rumors and lots of misinformation

Tom Gay – There are still residents that have issue.

Susy Affleck-Childs – Are you saying that you will or won't consider doing this by eminent domain?

Barbara Saint Andre – To take land by eminent domain requires get an appraisal. Since there are a number of parcels here, go out and appraise all the parcels to determine if there are any damages that would be awarded to those that own to the center line of the road - Often appraisers say there are no damages because there is a greater benefit – And there is a benefit to having a public way. The result is often that there are no damages. But then you have to look at all the drainage easements which are across peoples' properties. There is the potential that you will have to award damages. It is the Board of Selectmen that would take roadways by eminent

domain – have to have a plan that supports where – review the titles and as indicated earlier, if you are awarded – you have to notify all mortgagees and lien holders – Either way you slice it, it can be a bit of a chore. I had hoped he would take care of the easements at least, but apparently he has thrown in the towel – If you are not going to accept the roads, make sure you get the sewer easement – appraisers, plan, vote, records, notices, damages – thousands of dollars

Bob Tucker – More than what is in escrow (bond)?

Barbara Saint Andre – No.

Karyl Spiller-Walsh – By May he could have this done?

Barbara Saint Andre – One would think it would be sufficient time.

Bob Tucker – It is his responsibility to provide documentation to the town.

Andy Rodenhiser – It is a legal morass.

Bob Tucker – If he doesn't want to do it, let the money sit in the bond account.

Karyl Spiller-Walsh – I think the Town does have some responsibility or obligation because the standards are different now than they were then.

Bob Tucker – I don't agree. I live on an unaccepted street.

Karyl Spiller-Walsh – There are some extenuating circumstances with the economy. The residents are the victims here.

Andy Rodenhiser – When you are a developer, there is a standard of care, if you are going to be reaping the rewards of the development. Why should we be put in the position?

Karyl Spiller-Walsh – Different standards

Andy Rodenhiser – How long have towns been reserving fee in the road/

Barbara Saint Andre – Every town is different.

Susy Affleck-Childs – There were no rules in the past.

Andy Rodenhiser – Best management practice.

Barbara Saint Andre – They did hold it back in some cases but not in others. They should be responsible for the cost. You are looking for conveyance of fees. You won't get clear title or mortgages.

NOTE - Barbara Saint Andre left at 9:45 am to go to the Board of Selectmen's meeting.

Tom Gay – I have been consistent with what we have asked him to do – the same three or four things come up at every meeting.

Andy Rodenhiser – He was able to sell the McKay lot probably for more money because there was no pedestrian easement recorded on the site.

Andy Rodenhiser – We need to craft a letter and send a letter to the residents. And send it out. Let's be proactive and disclose what the options are. Put it on the web site.

Karyl Spiller-Walsh – Can we take plow money out of the bond money.

Mrs. McKay – If you live on a street that is unaccepted, and we pay the same amount of taxes, why do we pay the same taxes if we don't get the same services?

Tom Gay – It's not any different than a landlocked parcel.

Andy Rodenhiser – I live on a private way. I have to take care of it.

Andy Rodenhiser – They have an expectation that their street was to be accepted

## **9 Walker Street.**

Susy Affleck-Childs – CPC voted to support up to \$5,000 in CPA funds to support conveyance of 9 Walker Street for affordable housing

Bob Tucker – Habitat for Humanity is still very interested. It would be in perpetuity. I would love to be able to see my own kids be able to live in this town. Instead they have to move out of town. They still work in the area, but financially they cannot afford to buy anything here. To make that opportunity available to them or other people—it is tremendous.

A motion was made by Karyl Spiller-Walsh, seconded by Bob Tucker to support Article 27 (for the 11/10/08 special town meeting). APPROVED.

Bob Tucker – The other thing suggested at the CPC meeting was John Schroeder made a presentation re: the Charles River Acre OSRD to possibly look at it for affordable housing – it is on the market - the idea would be to look at an affordable concept and an open space section – less intrusive and more consistent with the style and character of the neighborhood

Karyl Spiller-Walsh – The new concept would be a model development.

Susy Affleck-Childs – The CPC asked the AH committee to look at this.

## **Invoices**

\$7,988.00 to Whalley Computers for the first server (for the MUNIS software) to be funded from the 43D grant account. Motion by Bob Tucker, seconded by Tom Gay to approve. All YES.

## **Other Business**

No meeting for us Monday.

Andy Rodenhiser – Susy Affleck-Childs and I will be at FinCom Monday night on street acceptance issues (article 22) - they have to decide their recommendation

Susy Affleck-Childs – Alison Slack and I will be at FinCom on 9 Walker Street (article 27).

Andy Rodenhiser – Should we share these minutes as drafts to ConCom?

Susy Affleck-Childs – Let's wait until next week. Let us do the basic edits and clean up, then we can forward them then

A motion was made by Karyl Spiller-Walsh, seconded by Bob Tucker to adjourn. APPROVED.

The meeting was adjourned at 10:05 am

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant



## **Medway Planning Board Meeting**

### **November 18, 2008**

**PRESENT:** Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, John Williams

**ABSENT WITH NOTICE:** Tom Gay

**ALSO ATTENDING:** Susy Affleck-Childs, Planning Board Assistant  
Gino Carlucci, PGC Associates

Open the meeting – at 7:01 pm

### **CITIZEN COMMENTS**

**PRESENTATION – Adult Entertainment Zoning–** Gino Carlucci, PGC Associates

The map shows there are two spots where something could occur, both in the new CI zone. There is no area within CIII, CIV and CVI that could accommodate any adult use so it probably makes sense to remove the text there

There is a residence in the CI district – the only factor that came into play is a standard that such a use has to be 500 feet from a residential district

Andy Rodenhiser – we are potentially talking about moving the district to our industrial park

Gino Carlucci – now that we have created the new Business Industrial District, it would be good to include this in industrial I

Mark Cerel, 6 Franklin street – I am a municipal attorney, we have been dealing with these issues in Franklin – Franklin had a reasonably good bylaw in place but we revisited it in light of what is happening in neighboring towns - constitutional issues involved – I would be happy to give you an overview of legal landscape if you would like to hear them

The starting point – under both federal and state constitutions, adult entertainment is recognized as protected expression – in Massachusetts, the supreme court held it is more protected under state constitution vs. federal constitution – when this issue started arising in federal courts, you get several lines of cases that have to be merged – one line of cases is that the expression is protected but you can keep it away from incompatible activities (schools, churches, residences) without dealing with what was left over

In another line of cases – you have to provide a certain area, if that area is not satisfactory, then it would be entitled to go to any retail area the community

Now there is a merger of these two . . .

Franklin set up an overlay district where adult entertainment was allowed (industrial parks) plus it had to be away from certain uses – when I arrived in Franklin 6-7 years ago I asked whether

anybody had plotted out what is left in the two industrial parks (particularly since a church had located in one of the industrial park) – we came up with reasonably good areas –

We were concerned that the remaining area was not sufficiently large (and that area was way larger than what you are looking at tonight)

We looked at how far our distances were and we had some catchall stuff – 1000 feet away from where young people regularly congregate

These uses don't want to be in an industrial park – you don't have any realistic space for us

Franklin – we went in and removed the vague protected uses, left in the specific ones, and we pulled distances back to what made sense. . 200 feet, the width of a lot, seemed to be ample

Applying that to Medway – you absolutely are not going to pick a location that is so attractive that somebody will want to open – major thoroughfare is very attractive – think of route 20 in central mass - pick a location that is available and accessible but is not attractive – then you get into an overlay with industrial

Andy Rodenhiser – how big an area

Mark Cerel – I have heard 5-6% of the land area that you have for commercial purposes should be “available” for adult uses

I would suggest you look at your industrial tracts that are not on route 109

Andy Rodenhiser – Do you have draft language for us Gino?

Gino Carlucci – No.

Mark Cerel – what is happening in Mendon – there have been establishments that were non – alcoholic but did offer entertainment – details on a certain SJC ruling – prohibit nude dancing in establishments with alcoholic – but that has been deemed to be unconstitutional.

Andy Rodenhiser – does the board want to ask Gino Carlucci to do something with this

Bob Tucker – it would be good to have him look at other areas that might be appropriate – we also need to go thru section h to address offsets –

Mark Cerel - Franklin – the way this was attacked was originally a legitimate zoning – to show that these places used to be in high crime areas and breed crime themselves – there is a canned set of findings of secondary negative effects on property values and crime (thereby making regulations valid) – my sense is if you designate it in an industrial area, that ought to be enough, you shouldn't need so many concerns about distances

Bob Tucker – define one or two areas so that we can minimize our risk- but look at it to replace the existing language and put in some new language – we want to try to limit and relocate away from main street

Karyl Spiller-Walsh – I envision that you start to provide more seclusion and that is done successfully

Andy Rodenhiser – Also, setbacks from other adult uses –

Bob Tucker – if you reduce the setbacks, you may need to enlarge the overlay size

Mark Cerel – they tend to concentrate in ownership

Andy Rodenhiser – do we want Gino Carlucci to look at this

Bob Tucker – look into a couple of different areas

Andy Rodenhiser – and provide a map of where it could go

Karyl Spiller-Walsh – it is small

Mark Cerel – there is a question on where do you take the measurements from - make clear how you are going to measure (from lot line or from building edge) - - you have to comply with the law –

NOTE - Gino Carlucci will work on this some more and return with a draft amendment

Karyl Spiller-Walsh – I had no idea that we had to comply with the civil rights elements

Andy Rodenhiser – this map shows us how at risk we are –

Bob Tucker – give us a large enough overlay so we are not at risk – it may be in the middle of an industrial park – I would make it follow lot lines –

Susy Affleck-Childs – the Industrial I area is where the town voted to designate properties for the 43D expedited permitting program

Andy Rodenhiser – on a related matter, I did speak with Ellen Rosenfeld – I talked with her about formulating an industrial park association – they all want a sign out at route 109 – and she indicated she would donate the land necessary for the signage and the business park association would have to participate in its construction and design and own the land as an association and pay the tax bill – that needs to get started somehow – I am talking with some businesses over there

Karyl Spiller-Walsh – good idea

Andy Rodenhiser – how did it work at the Trotter Drive? Didn't they have to form an association for the sewer project? Are there some samples?

Gino Carlucci – no, in the end, they didn't - Kevin O'Connor who lives in Medway – Bill Wright would have them

Andy Rodenhiser – could you secure them for us?

Gino Carlucci - yes

Karyl Spiller-Walsh – would they be interested in coming to the DRC

Andy Rodenhiser – sure, they would need some help

**Commonwealth Capital application presentation – Gino Carlucci**

Gino Carlucci – this is draft version of FY09 application – this is a document that is a scorecard on how a town is doing in terms of smart growth, housing and energy efficiency

NOTE - Chan Rogers arrives at 7:35 pm

Gino Carlucci - a key part of any grant application is your score on commonwealth capital - it can count for 30% of your grant score

We did this in the past, for fy2006 – it is only good for a year, you need an updated one anytime you want to apply for a grant

Gino Carlucci reviewed the draft application, item by item.

You can't claim more than one on master plan vs. a community development vs. open space plan - even if you have all

We also get points in terms of what we have implemented for master plan since 2006 – we do have things . . .

Andy Rodenhiser – what is definition of “commit” – is it enough to just want to do it?

Gino Carlucci – you can claim those wanted items, but the next year you can get a bonus point if you actually do something you committed to

Andy Rodenhiser – are there some things that you would suggest that we work on . . .

Gino Carlucci – as we go thru this I will tell you

Susy Affleck-Childs – OSC is looking at right to farm bylaw and agricultural commission - but we should push them

Andy Rodenhiser – I spoke with Laura Tangerini, Millis – she thought there might be interest in a multi-town agricultural commission

Gino Carlucci – if a regional agricultural commission were established, maybe next time we could claim points for an intergovernmental agreement

Andy Rodenhiser – is our commitment to doing something with Bellingham on route 126 in here?

Andy Rodenhiser – when does this need to be completed by?

Gino Carlucci – no deadline

Andy Rodenhiser – we have some info from MAPC regarding their district technical assistance program – can we try for this again with Bellingham

NOTE - Susy Affleck-Childs to call Stacy Wetstein in Bellingham and see about meeting on Thursday 11/20 at the SWAP meeting

#2 – water resources plan – I need to talk to Mark Flaherty –

#5 – zoning for mixed use – claimed points for adaptive use overlay district

Andy Rodenhiser – where do we rank

Gino Carlucci - Our draft score is 56 right now

Gino Carlucci – if we were to adopt a 40R – we get points in several places

Gino Carlucci – biggest change recently in the form was adding energy factors

John Williams – is there really something we want to seek for state grants – they usually come with strings attached

Andy Rodenhiser – the very first 43D grant we got was for \$150,000 and we will now have a conversation with Mike Mitchell from Mass Development on Oak Grove

Gino Carlucci –I have been working with the AH committee on an affordable housing production plan –

Gino Carlucci – once we adopt the draft rules and regs for expedited permitting, we can count that

Andy Rodenhiser – how are meetings going with the other boards . . .

Gino Carlucci – I talked with ConCom, I spoke with ZBA and have not heard back from them. .

Gino Carlucci – we should be able to do something re: LID - there is some draft language from the smart growth grant work from a couple of years ago

Gino Carlucci – Re: energy efficiency – I got an email back from Dave D – I think we will be able to claim more points on that category

Gino Carlucci – the last item is a sort of catch all thing to reflect any other activities – I claimed 4 points –

Susy Affleck-Childs – updating this will be helpful to all the other town boards and departments - we should make sure they know we are doing this

### **Ishmael Coffee Estates - Request for Bond Reduction**

Susy Affleck-Childs – we have an email note from Paul Yorkis requesting bond reduction to \$20,000 - Attached is a draft new bond agreement that town counsel prepared – this would retain \$20,000 to hold to see how the vernal pool reconstruction on Parcel D holds up over the winter.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to accept this as presented and written (to reduce the bond to \$20,000 and to sign the agreement).

Bob Tucker - we had a fairly lengthy discussion on the Saturday before town meeting

The Motion was unanimously approved.

NOTE – The Board signed the new bond agreement

### **Discussion - 40R workshop**

Andy Rodenhiser – Susy Affleck-Childs and Gino Carlucci and I met with Angus Jennings today to talk about a 40R workshop – had a brief slide show and outlined some of the people who would participate – it was our thoughts – FinCom, Design Review Committee, Planning Board, Board of Selectmen, Master Plan, and Oak Grove Task Force

Karyl Spiller-Walsh – if we had another individual or two, could we bring them along?

Andy Rodenhiser – we are trying to educate boards/commissions/town staff about all this – good discussion – examples and work product that came out of these things – Susy Affleck-Childs will get work products from him – electronic versions – the whole mechanics of how it works – we wanted to come out of this with a series of questions – so we can get those answers – applicability for both town center overlay and oak grove – give us education necessary to proceed – he had examples he showed and it was pretty obvious – we will pay for part of this – and the rest will be covered by their grant from the state (Commonwealth Housing Task Force)

Karyl Spiller-Walsh – I would like to do my own research – this gives us time –

Andy Rodenhiser – it is our idea to bleed info out to you beforehand – gradual dispersal of info –

Andy Rodenhiser – they asked if we had any photos of things that you like so they could incorporate into their presentation

Andy Rodenhiser – they are going to have you rate/score some of the visuals they will show you – to help get a sense of what this group likes -

Karyl Spiller-Walsh – it is a queue-up of elements of design that the community wants to see

Andy Rodenhiser – when you go to town meeting and are trying to get design standards approved, you want to be able to say that people scored preferences –

Karyl Spiller-Walsh – assures that the various boards are doing this

Andy Rodenhiser – the developer is attracted to a very defined process and standards -

Chan Rogers – what will it cost us?

Susy Affleck-Childs – \$1,000 – from our contracted services budget and some from the Priority Development Fund grant for work on route 109

### **The Little Gym – site plan endorsement**

Susy Affleck-Childs – we received a letter from the Goulds indicating that they will remove the stone wall next to the Little Gym

Bob Tucker -- Add note that wall is to be removed . . . per Gould's letter

NOTE – The board endorsed the site plan.

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### **FY 09 Budget Reductions – 2%**

Susy Affleck-Childs – the Town Administrator has asked all departments to indicate how they would cut 2% from their budget

Motion to – Bob Tucker – reduce budget – spread out among the 10 line items – seconded by Karyl Spiller-Walsh – prorated – all yes

### **Meeting Minutes**

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to approve the minutes of October 28 and November 8 meetings. APPROVED.

It was agreed to hold over the minutes of the September 9<sup>th</sup> meeting. NOTE – email to Chan Rogers and Karyl Spiller-Walsh

### **INVOICES**

PGC Associates – general consulting services/meetings/ Daniels Village lawsuit and prep/\$1,240 – motion by Bob Tucker, seconded by Karyl Spiller-Walsh to approve \$1240 to PGC Associates. APPROVED.

VHB – Construction inspection for Birch Hill, Speroni Acres, Ishmael Coffee Estates and Evergreen Meadows - \$751.74 – motion by Bob Tucker, seconded by Karyl Spiller-Walsh to approve \$751.74 for VHB. APPROVED.

Susy Affleck-Childs – please note this is to be paid from developer funds

PGC Associates - \$320 – 43D grant – Motion by Bob Tucker, seconded by Karyl Spiller-Walsh to approve \$320 to PGC Associates – APPROVED

PGC Associates – \$280 – CDAG reports – motion by Bob Tucker, seconded by Chan Rogers – APPROVED. IDC budget

PGC Associates – plan review services – The Little Gym site plan, Rosenberg ANR, Williamsburg condo – \$1040 – Bob Tucker, Karyl Spiller-Walsh – APPROVED. –  
Susy Affleck-Childs – please note this is to be paid from developer funds

## **REPORTS**

Karyl Spiller-Walsh – at the DRC meeting we met with Williamsburg OSRD – some discussion about a drive around the mailbox unit for an arc/bow around it – specimen tree – good team –

Andy Rodenhiser – I think he wants to get it permitted and sell it . . .

Karyl Spiller-Walsh – we had another 30 minute discussion on buffer zones – some ideas on transitional zoning – we are trying to be creative -

Andy Rodenhiser – After our Saturday meeting (11-8-08) I called Greg Whelan about broad acres farm road – I don't think he had actually adopted the position his attorney represented in that email to us – Greg has not walked away from this and does not intend to walk away – he wants to resolve as many of these issues as fast as he can – he knows that he has to have it complete for town meeting in the spring –

Chan Rogers - Route 109 reconstruction – we interviewed the first consultant tonight – the first of a total of 4 firms – we need some info to go on the two forms that are already submitted to Mass Highway – traffic and accident info that has to be formatted properly – to get on the TIP (Transportation Improvement Program) – for route 109 redo - there is a good chance to get both state and federal earmarks

Andy Rodenhiser – are those meetings posted?

Susy Affleck-Childs – we are still looking for candidates to serve on a new economic development commission - we need more folks to come forth – we have some interest.

NOTE – send info on interested candidates to Bob Tucker

## **Upcoming meetings**

ConCom meeting this Thursday



SWAP meeting on Thursday in Bellingham

### **2009 Annual Town Meeting - Zoning Ideas**

Andy Rodenhiser – let's have a general discussion on goals at the next PB meeting – revisit – email to everyone – and be prepared to discuss and personally rank them –

Let's look at a draft calendar of minimum deadlines – knowing what we have available in time – general dates for public hearings, etc.

Andy Rodenhiser – we also need to look at various rules and regs - let's look at our goals and assign tasks to various people

Susy Affleck-Childs – I am looking for a sense of priorities – everything is important

Karyl Spiller-Walsh – priorities come from new concepts that emerge – provokes new concepts – they are always changing – we are trailing behind the concepts – to verify – we could be 2-3 steps ahead - lot of housekeeping stuff - even once you get it on paper, it is almost time to revisit things

Susy Affleck-Childs - town meeting has come to almost expect zoning proposals from us

Karyl Spiller-Walsh – I think people have come to trust us pretty well

John Williams – or there is apathy by the community

Bob Tucker – we have been learning as we go along –

Andy Rodenhiser – we prepare very well . . . continuously communicate with all the boards and respect the process as much as possible – to get feedback and input

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to adjourn the meeting.  
**APPROVED.**

The meeting was adjourned at approximately 9:15 p.m.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

## **November 25, 2008 Medway Planning Board Meeting**

PRESENT: Andy Rodenhiser, Chan Rogers, Bob Tucker, Tom Gay, John Williams

ABSENT: Karyl Spiller-Walsh

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant  
Gino Carlucci, PGC Associates

7:02 pm – Meeting called to order

CITIZEN COMMENTS – None

### **ANR Plan for Cedar Farms Road - Map 4 parcels 52A and 53-A**

Mike Curatola, applicant  
Paul DeSimone

Numerous neighbors

SAC NOTE – There was a computer glitch at the beginning of the meeting. The notes regarding the Mike Curatola's ANR plan for Cedar Farms Road were lost. The following is a general recollection.

Paul DeSimone – introduced

Andy Rodenhiser – do you know if any of the folks out here had a chance to see these

Paul DeSimone – No.

Andy Rodenhiser – Let's give them a copy of the plan

Paul DeSimone - We have a 35 acre parcel plus piece of land owned by Ozella for a total of 45 acres – we are cutting it up into two new lots – we show you the dashed lines so you see where the old lot lines are

Andy Rodenhiser – access?

Neighbor – are we going to get an explanation?

Andy Rodenhiser – he is doing that right now -

Paul DeSimone – either from cedar farms (road) or Fisher Street - We don't know yet – we are just cutting into two lots – we were at conservation last week

Chan Rogers – they have to have access

Bob Tucker – on cedar farms road 200 feet

Paul DeSimone – We have 180 feet of frontage on this lot and 200+ feet of frontage on the other

Andy Rodenhiser – we have received a revised plan to reflect the comments that Gino made - could you review?

Gino Carlucci – my comments were re technical deficiencies of some of the requirements on the plan that weren't included - table of setback requirements, abutters across the street, the statement that endorsement does not constitute compliance with zoning – I asked it to be corrected to the exact way our rules and regs say

Andy Rodenhiser – lot shape factor is ok?

Gino Carlucci – yes, it allows for an imaginary line to be drawn to calculate

John Williams – it is very helpful to have this info on here – even if this info is not required, I would like to see the plans come in with that – I think it is helpful, saves some legwork for news guys on the board - thank you

Andy Rodenhiser – those are the rules, so if you could just put them on there, it would be helpful

Andy Rodenhiser – an ANR plan (approval not required) means that it meets minimum frontage requirements and the lot is of sufficient size and provides access along a public street – they own the land and they have frontage along a public right of way – they still have to meet the requirements of a conservation commission

John Williams – flood zone?

Andy Rodenhiser – all of those things

Neighbor – where are you going in? last week when were here (at the concom meeting) you talked about fisher street – where are you coming in?

Andy Rodenhiser – excuse me – the way we conduct this is that we take minutes – when you make a comment – just say what your name and address is – so we know who is saying what

Cheryl Smith, 45 Cedar Farms Road – we are little unclear, those of use here who live in the area, where he is coming in?

Andy Rodenhiser – as you come in the street down cedar farms road, there is a guardrail with a break – it appears that the frontage comes from some bounds that are there in the ground that make up the lines you see on that drawing – Paul can go out and locate these bounds and that is how he has shown that on the drawing – and the frontage that is required for lot 1 is between these two lines the area along the street – minimum is 180

Cheryl Smith – where would that road come in?

Andy Rodenhiser – it would not be a road, it would be access to the lot – this is not a subdivision

Cheryl Smith – it is not a subdivision yet, that is one of our concerns – it is going to mushroom into something else down the line

Andy Rodenhiser – it may - tonight's meeting is about an approval not required plan

Cheryl Smith – so it is a driveway – where?

Bob Tucker – it is not a driveway – it is a division of land into lots – that is all this plan is – just making one piece of property into two lots - it is actually two pieces (into two lots)

Cheryl Smith – what is next step?

Andy Rodenhiser – all they are presenting is an approval not required – it is an endorsement that we agree (subdivision) approval is not required – under the circumstances, he can put one house on it (each lot) - if he thinks he can use the property for more by putting in a road, he can come in with a subdivision plan (later) – that is a completely different process and as I asked Paul – how do you intend to access the lots – he said we could come in off of this way or this way (cedar farms road or fisher street) - we have no idea

Susy Affleck-Childs – we do have to verify that access is do-able

Bob Tucker – they have access on cedar farms road

Susy Affleck-Childs– they have frontage on Cedar Farms Road

Andy – is any of this area (adjacent to Cedar Farms Road) wet?

Paul DeSimone - a lot of it is wet – we have uplands and wetlands all over the place – we have identified this little piece up here for further wetlands evaluation work up

Andy Rodenhiser – so how are you going to have access along a public way?

Paul DeSimone – we may cross the wetlands – we will deal with conservation and do what we need to do

Gino Carlucci - I would like to say that I probably was a little bit negligent – sometimes I do a site visit when I review these and sometimes I don't – I thought this was straight forward – however, this 25 foot wall maintenance easement – if that way is such that you can't drive into the wall because of it, it would be the same being a guardrail and that may be no access –

Andy Rodenhiser – it would require substantial fill there

Bob Tucker – it is lower than the road

Gino Carlucci – there is a guard rail across the front? But it is not shown on here (the plan)

Andy Rodenhiser – is the area that needs to be filled is greater than 5000 sq ft?

Gino Carlucci – even before we get to that. . if there is a guard rail then there may no access from cedar farms road – I withdraw my recommendation to endorse this – a guardrail is grounds to deny an ANR plan

Paul DeSimone – there is an opening in the guardrail

Andy Rodenhiser – that opening is to get in for maintenance of drainage easement

Paul DeSimone – we have access down further to the left – there is a right of way across a property – we don't know yet

Susy Affleck-Childs – can you show me where you mean?

Bob Tucker – so there is a 30' wide access easement to rear land and drain easement

Paul DeSimone – that shows on the existing subdivision plan

Susy Affleck-Childs– I would want to see more about that

Paul DeSimone – you guys have the plan

Andy Rodenhiser – it is up to a lot of interpretation

Paul DeSimone – I am just telling you it is there, it is existing - we do have right of way out to fisher street also

Susy Affleck-Childs - what do you mean access off to Fisher Street?

Paul DeSimone – there is right of way up here (pointing up near Giovanelli property)

Andy Rodenhiser – is that shown on this ANR plan?

Bob Tucker – no it is not

Susy Affleck-Childs – so it is a private driveway?

Paul DeSimone – our access is on cedar farms road

Susy Affleck-Childs – your frontage is on cedar farms road - how do you inherently claim the right to use the right of way from Fisher Street?

Gino Carlucci – even if there is an opening in the guardrail with access to lot #2 that doesn't allow a division that would create a second lot with the guard rail

Andy Rodenhiser – so you are going to stand by, you know, what you had said?

Gino Carlucci – unfortunately, I wish I had driven out there

Bob Tucker – sounds like we to see what the extent of that guardrail is and to what extent it does have any openings in it –

Andy Rodenhiser – do you have any other info you want to provide?

Paul DeSimone – I don't have the subdivision plan with me – but I can give it to you

John Williams – do we possibly have a plan on file of cedar farms road?

Andy Rodenhiser – it is not that old

Susy Affleck-Childs – we do

John Williams – perhaps we can take a look at that

Andy Rodenhiser – when is our next meeting? We have only 21 days to respond (to an ANR application)

Susy Affleck-Childs – it is dec 9<sup>th</sup>

Andy Rodenhiser – do you want to withdraw this?

Mike Curatola – can I make a comment?

Andy Rodenhiser - sure

Mike Curatola – we do have a right of way

Gino Carlucci - but it is not shown on this plan and that is the plan the board has to endorse

Mike Curatola – we have the right frontage, we have the right square footage

Gino Carlucci – but the ANR plan does not show the guardrail across the frontage

Paul DeSimone – so you are saying the town is denying him access to his land?

Gino Carlucci – if you can get the guardrail removed

Mike Curatola – but we are not accessing it that way

Paul DeSimone– if the guardrail has to be removed .it would be under a building permit application that we would do for the building inspector

Gino Carlucci – an ANR plan has to show access at the time it is submitted – that is not shown here so it is not subject to endorsement

Andy Rodenhiser - would you withdraw it and resubmit it with additional information?

Paul DeSimone – yes

Susy Affleck-Childs - I am curious about. . you are saying that you have access from Fisher Street

Andy Rodenhiser – if so, that should be reflected on the plan

Mike Curatola – I talked to the building inspector – he told me in the town of Medway, as long as you have frontage and area it doesn't matter where your access is

Gino Carlucci – that is true – but it doesn't count as frontage if it is blocked

Chan Rogers – frontage implies access

Paul DeSimone - I totally disagree with the guardrail

Susy Affleck-Childs – I am still curious about your access point – you may have them but how do we know that you have the right to use them? I think you have to provide info to show it is legitimate

Andy Rodenhiser – or the property owner does

Paul DeSimone - the guardrail is in the road – I think the town owns it – you are saying that the town would not be allowing him to use his land

Bob Tucker – I don't know enough about it right now

Chan Rogers - it is topography that is not allowing you to use (the frontage) as the access

Gino Carlucci – if you have other access, you need to show it and demonstrate it – if it is other than cedar farms road – you need to show it on this plan –

Paul DeSimone – it won't fit on that plan

Bob Tucker – not at that scale anyways

John Williams – what is procedure for wetlands?

Paul DeSimone– you need 50% of the required minimum lot size as uplands (22,000) – we have that –

Andy Rodenhiser –you are familiar with what you need to demonstrate?

Paul DeSimone – I am now, I don't agree with it, but . . . do you want to know if the guardrail is on the public way or private property?

Gino Carlucci – yes – if it is on private property, then you would have the right to remove it on your own, whereas if it is on public property, you would to deal with the town

Paul DeSimone - it is one thing to take down a section of a guardrail for a driveway, but it is up there because the land drops off

Gino Carlucci – removing the guardrail implies that there is no longer a steep drop off - for safety purposes, you can't just remove it and leave a big drop

Paul DeSimone – if he was to put in a driveway from cedar farms road, he would get a curb cut and deal with conservation

Gino Carlucci - a form a plan has to have actual access at the time the plan is submitted to the town – that is state law

Andy Rodenhiser – so do you want to withdraw this and resubmit it

Paul DeSimone – yeah, we can bring back – it will be another plan

Cheryl Smith – I can tell you a little bit about the guardrail –

Andy Rodenhiser – go ahead

Cheryl Smith – I know the guard rail is on town property - none of us own that – that guardrail was not put in initially by the builder when he did the subdivision – and then the town came back and told him to put the guard rail in –

Paul DeSimone – it makes sense because the wall is lower than the road

Cheryl Smith – there is a large retention basin there – there is a large drop off -

Andy Rodenhiser – we can look at the subdivision plan that was approved under which they constructed all of that and that will probably show the guard rail on there – the underlying property there belongs to who owns it – there is just an underlying easement that grants the town the right to maintain the drainage – so whoever owns the property now has granted the town an easement across –

Paul DeSimone - those easements were already there – we didn't create them

Andy Rodenhiser – so you will withdraw the plan

Paul DeSimone – yep

Andy Rodenhiser – and make the corrections that will give you access to these parcels and resubmit

Tom Gay – the other thing I would ask is on the frontage – the numbers don't add up – there is a 3 foot error – I don't know where the mistake is but it needs to be fixed



Paul DeSimone – oh, glad you saw that – OK,

Susy Affleck Childs – I am a little concerned about showing frontage of just 180.1' – I know it meets the minimum but there have been some instances where things haven't been accurate and it has to be redone later

Andy Rodenhiser – at pine meadow we had to redo 3 lots because the footage was off –

Susy Affleck-Childs – if you found enough room on the other side

Tom Gay – just revisit that

Andy Rodenhiser – so that when this does get surveyed it isn't short

Paul DeSimone– the frontage is from the existing subdivision plan

John Williams – would we want to consider to be above and beyond for them to supply any flood plain info on the lots – if there is a flood plain, there maybe a special permit from the ZBA required and we would like when we consider these to know how it effects the flood plain so we can have a consistent message - in the interest of transparency, I would suggest we label the flood plain

Andy Rodenhiser - is that possible for you to do?

Paul DeSimone – yeah, it is not in the flood plain

Susy Affleck-Childs – so just say a note that it is not

Chan Rogers – there is also a judgmental decision as to why the guardrail is there and whether that implies reasonable access – difference in elevation is about 20 feet

Paul DeSimone – a good 10-15 feet

Chan Rogers - one of us should be out there to look at this

Andy Rodenhiser – OK - so you are going to withdraw it then? Susy, what do we need to do?

Susy Affleck-Childs – acknowledge that applicant has agreed to withdraw and resubmit without prejudice – our normal policy is to not charge a subsequent ANR application fee

A motion was made by Bob Tucker, seconded by Chan Rogers, to allow the applicant to withdraw the ANR application and to refile it with more info including information on plans to access the two lots. The motion was approved.

Chan Rogers - I just want to make a point that a PB member should be if there is a problem with the differential –

Paul DeSimone - if we were to go in that way, we would need to fill in a ramp and build a driveway -

Andy Rodenhiser – I think they can only fill 5000 square feet (per concom)

Paul DeSimone – if it is more than 5000 sq ft you have to file for a 401, water quality permit

Andy Rodenhiser – there would be a lot of work coming in that way (from cedar farms road) – that is a lot of work for 1 -2 houses. do you guys (neighbors) have any questions?

NO

Susy Affleck-Childs – it will be dec 9<sup>th</sup> – we have a public hearing at 7:15 so let's say 8:15 pm

Andy Rodenhiser – we will keep Jan Fish in the loop as she gets our agenda

Paul DeSimone – thanks

### **Discussion - Birch Hill Bond Reduction**

Ellen Rosenfeld - owner/developer

I have a package for everybody. It is all highlighted for you.

OK – Hunter Lane. We have been in Hunter Lane for more than 30 years. We are doing the best we can. We are at the end of this journey. We have completed 100% all of the work that needs to be done for Hunter Lane. The drill holes done. The as-built plans are being worked on.

First piece of paper in the packet is the bond estimate from 2005 - \$37,236.

Back in August, when I knew I was going to be finishing the road, I said to Susy Affleck-Childs, what do I need to get my bond reduced? She sent me an email – see the street acceptance list. The next day your chairman put together a memo, very nice, - synopsis what sections needed to be completed. We had hoped it could be done for fall town meeting. So, there are 3 pages of that from Mr. Rodenhiser. On September 24 I got a note from Susy Affleck-Childs saying that she had updated my construction account and she was looking for some money. She told me there is \$1,200 sitting in my account. She estimated \$3,805 for review fees (engineering) plus \$5000 in legal fees. She was looking for \$7,560. I said, look at this – he is charging \$60 – he figures 12 hours to inspect and another 3 hours to prepare reports – then we get to the \$5,000 for attorney fees – well . . .

On November 12, I contact Susy Affleck-Childs to ask for a bond reduction. She tells me the Planning Board policy to not reduce any subdivision bond related till all work is done, etc. So I contact Mark Louro, he goes out and inspects. He says there are 3 things left to be done – loam and seed, drill bounds, etc. We have done all these things. I get to the Planning Board checklist. Have you guys ever seen this checklist? Have you ever seen this piece of paper? None of these boards listed here have ever seen this piece of paper. None had a clue what was going on.

Andy Rodenhiser – We can't control them.

Ellen Rosenfeld – When you put together a checklist – you would think they would know what they were inspecting – they said they were just going to contact Susy Affleck-Childs I called every one of them. I left messages or spoke personally with everyone. The only one I have heard back from is the police department. There will be a real problem with the Disability Commission.

Susy Affleck-Childs – I spoke to her today; you are all set.

Ellen Rosenfeld - I see at the very end (of the checklist) there is a sign off from Town Counsel. I called her and we spoke for 15 minutes on November 20. We decided that since I have not reserved the fee in the road, that we have to figure out how to do this deal. So I say we have to take this by eminent domain. We have 9 people and they have 6 mortgages each. She wanted me to get them to at least sign off that they won't oppose eminent domain. I sent her a nice little plan.

I sent an email to Mark Louro – he responds – He can go out tomorrow to inspect. He says “are you looking for a bond reduction on Tuesday?” I say, yes. He says, I don't think the Planning Board will reduce the bond below \$35,000.

That afternoon – I write to Susy Affleck-Childs and forwarded Mark Louro's email to her.

I get an email the next morning from Susy Affleck-Childs saying perhaps she had not fully explained how the bond holdback works – all paperwork and street acceptance has to occur – I sent an email back to Susy Affleck-Childs – I am not happy

If you look at the \$35,000 holdback, it cost me \$40,000 in paving alone. Why in the world would I have done this on November 14 knowing I had to wait until May to get the money back? I called Andy Rodenhiser and called Barbara Saint Andre and asked under what authority the \$35,000 minimum was imposed.

Then Susy Affleck-Childs said Mark Louro would not do an inspection, and Barbara Saint Andre wouldn't call me back because I hadn't paid the whole \$7,800 invoiced. She said you only gave us half. So you have \$5,000 in an account. Why isn't anybody helping me here? I will say, yesterday morning, I got an email back from your Town Counsel. She said she will look into this matter after the hearing tonight. She had been busy with another matter. I have also provided you with a copy of Mass Subdivision Control Law. I have also given you Mass General Laws that explain street acceptance.

I tell you this hold back is not legal in any way shape or form. There is no authority. I don't care if you held a public hearing or enacted a regulation. I have spoken to every Town Counsel I know. People have gotten away with it, but you cannot tie bond reduction to street acceptance. I have no requirement to get this road accepted. I really don't even own it now (the 9 owners do)

So we here we are – You have \$37,000 of my money. I need to pay my paver. Jim Smith did extend the date to December 1. There is \$4,400 sitting in the bond account for as built.

I am willing to leave \$10,000 in this bond account. I want the rest of the money released. I am not going to let this go. I will tie it to pending paperwork necessary for street acceptance, obviously pending Mark Louro going out and making sure I am 100%.

Andy Rodenhiser – Wasn't that a condition for granting subdivision approval? Was one of those conditions street acceptance?

Ellen Rosenfeld – No such thing. Some towns don't even want the streets anymore.

Andy Rodenhiser – I expect the people on Hunter Lane would be surprised if the street wasn't accepted.

Ellen Rosenfeld – My brother lives on Hunter Lane. The people there are great. I don't see a problem with them.

Andy Rodenhiser – It is the business of the Planning Board to make sure that the street is part of a subdivision plan, and if it is intended to be a public way that it be completed. The purpose of the bond is to ensure that the developer does everything, and there is an expectation that town meeting will approve the streets if recommended by the Planning Board.

Ellen Rosenfeld – Be that as it may, you are right; it is an expectation.

Andy Rodenhiser – Let me finish my questions. When you called me, I called Susy Affleck-Childs and told her to be ready to have police at this meeting – all kidding aside – She looked into the (subdivision) rules that were applicable when your approval was granted (plan modification in 2002) – a \$25,000 minimum retained bond was included in the regs at that time.

Ellen Rosenfeld – That doesn't matter.

Andy Rodenhiser – That is where this problem is right now.

Ellen Rosenfeld – I thought this policy just went into effect a few years ago.

Andy Rodenhiser – We have raised the amount over the past few years.

Ellen Rosenfeld – I knew I could have walked away.

Andy Rodenhiser – And your brother lives there and you have a reputation. We have a situation where we have modified our rules and regs over time.

Andy Rodenhiser – Does this board have any questions about this circumstance that you would like to pose to Ellen Rosenfeld?

Chan Rogers – The concept of holding a bond until street is accepted is valid. The question may be how much and how long.

Ellen Rosenfeld – My position is that it is not valid. There are two different statutes – subdivision control and street acceptance. I am under no obligation to get the street accepted.

Andy Rodenhiser – I would think that under the subdivision approval it was granted because it was expected to be a public street.

Gino Carlucci – Whether it is a public or private street, a bond is there to ensure that it gets built.

Chan Rogers – Right now we have no other means to make you finish the street.

Ellen Rosenfeld – You have no right to make me wait until street acceptance.

Chan Rogers – Then we have no reason to release the bond.

Andy Rodenhiser – She could choose not to pursue getting this accepted. It is this Board's position that a minimum amount needs to be withheld (retained) prior to street acceptance. She is saying if I have met all the other standards I should get my money back, and you cannot bind me to a town meeting vote.

John Williams – Interesting concept. I am worried about precedent and fairness. There has been a section of our bylaw that has been challenged. I think we need to ask (town) counsel to verify that. I feel your pain and frustration, and I appreciate your effort in completing the road. Because this is a compelling case, I don't feel we should reduce the bond at this time. We have to be consistent and fair. The reasons we hold the bond are legitimate.

Andy Rodenhiser – The fact that the fee has not been reserved might be a reason to have some additional monies. If there is eminent domain, there will be costs.

Ellen Rosenfeld – You are still tying the bond to street acceptance.

Chan Rogers – It should be tied to the completeness of the work, not the acceptance.

Bob Tucker – There have still been outstanding issues on the street, in addition to a plethora of legal issues.

Ellen Rosenfeld – I am not asking you to waive any street issues.

Bob Tucker – We are looking at a number of different subdivisions.

John Williams – The costs are real. We have to be consistent to what we have done in the past.

Ellen Rosenfeld – Because I am challenging the street acceptance tie in, he (Mark Louro) will just find more stuff that is wrong.

Andy Rodenhiser – RE: the minimum requirement in the construction account, the town administrator made a requirement to have the funds in hand to cover the expenses.

Ellen Rosenfeld – Except the Town's attorneys fees are for her to get the street accepted. – But that is not my problem. I don't feel I am responsible for that cost.

Andy Rodenhiser – Who is?

Ellen Rosenfeld – The homeowners or the Town.

Andy Rodenhiser – I am thinking about all the homeowners who had an expectation of having their road accepted.

Ellen Rosenfeld – I am not going to go there. I will do the right thing to get the street accepted. But I am not going to tie my bond money to street acceptance.

Susy Affleck-Childs – I spoke with Town Counsel this afternoon. – She feels we are within our authority as this minimum amount is specified in the (subdivision) rules and regs.

Ellen Rosenfeld – If you stick with this, I am running into court for a summary judgment. – there is no trial - I will call other developers that are hung up here. I am not happy.

Bob Tucker – I think the first thing we need to do is to give Town Counsel the questions we want answers to.

Chan Rogers – She has raised a question, and we need to get an answer to that question. This is the ammunition that the board has to make the developer get the street accepted.

Ellen Rosenfeld – I was advised it doesn't matter. You can't change the statute.

Susy Affleck-Childs – I would suggest that you consider reducing the bond now to \$25,000.

Susy Affleck-Childs – Since when does a bond becomes construction financing?

Chan Rogers – We have a responsibility to get the road accepted.

Ellen Rosenfeld – You do not have that obligation – why?

Andy Rodenhiser – I understand what she is saying. If they feel aggrieved, they can sue her directly.

Chan Rogers – We need to get Town Counsel involved.

Andy Rodenhiser – What is the question you want to ask of her? What info?

Chan Rogers – It appears it is about the basic philosophy of holding bond money until street acceptance.

Andy Rodenhiser – Is there case law to support our position of holding bond minimum until street acceptance by town meeting?

Ellen Rosenfeld – That is a question

Bob Tucker – I have no problem with reducing to \$25,000. Those were the rules at that time. Every other bond we are holding has been since 2002.

Chan Rogers – We are willing to do that.

Ellen Rosenfeld – That is a nice goodwill gesture. That would make me happy.

A motion was made by Bob Tucker, seconded by Chan Rogers to reduce the subdivision bond on the Birch Hill development to \$25,000 and to refund that available balance. The motion was approved.

Andy Rodenhiser - How do you want to proceed, and how shall will handle the info we receive from Barbara Saint Andre until we meet again?

Chan Rogers – It would be nice to have an opinion from Town Counsel.

Susy Affleck-Childs – Barbara Saint Andre says the attorney client privilege is the client's to use.

Ellen Rosenfeld – So, now, what about the rest?

Andy Rodenhiser – Do you want to retain attorney client privilege?

Tom Gay – I would like to wait and have some time to process it (town counsel's opinion) before I decide.

Bob Tucker – We should see it before we hear about it.

Andy Rodenhiser – When this info becomes available, you can read it (on your own) but you can't discuss it (before the meeting)

Bob Tucker – I would even suggest at that point, when that comes in, and we have a chance to read it, we could even have a special meeting.

Ellen Rosenfeld – Are you going to put a time frame on this? Should I come to your next meeting?

Susy Affleck-Childs – December 9<sup>th</sup>.

Andy Rodenhiser – I would like to provide Barbara Saint Andre with all the info that Ellen Rosenfeld has provided tonight.

Chan Rogers – Planning Boards have been doing this –

Susy Affleck-Childs – This may not be an issue of case law, but common practice.

Ellen Rosenfeld – There is no such thing as common practice that trumps state law.

Ellen Rosenfeld – You as the Planning Board have been great. Have you gone up there? – It's pretty nice - It really came out well.

Tom Gay – I went up today. It looks like it is done.

Ellen Rosenfeld – Will I get a letter about the bond reduction? What is the process?

Susy Affleck-Childs – It will be at least two weeks. We have to process through the standard bill paying system.

We will discuss again at 8:45 pm on Tuesday, December 9<sup>th</sup>.

### **Continued ANR discussion**

Bob Tucker – I do not want to see any mistakes on the ANR plan.

Gino Carlucci – The other issue is going to be the other access from Fisher Street across the 4 lots. You would have to determine that it is adequate access to serve another house.

Andy Rodenhiser – The guardrail is an interesting issue.

Gino Carlucci – The opening in the guardrail has to be . . .

Andy Rodenhiser – Let's ask them to show the guard rail on the plan and the opening of the guard rail – the size and location -

Gino Carlucci – I am sorry I didn't go by there. It seemed like it was a straight forward plan.

Andy Rodenhiser – What do you guys think of asking for an easement that follows the utility easement to have a trail to get out to Mallard Drive – that would connect the two neighborhoods – that would allow kids to walk to the high school very easily. –

Bob Tucker – Who owns the land where the easement is located?

Andy Rodenhiser – Boston Edison – NSTAR

Bob Tucker – I would think I would want to have reasonable assurance before I negotiated that.

NOTE - We want to see some deeds/easements to document the right of access.

### **Discussion – Planning Board Goals and Priorities**

It was agreed to hold off this discussion until the next meeting when Karyl Spiller-Walsh will attend – defer to December 9<sup>th</sup> –

### **Invoices**



Tetra Tech Rizzo (9/24/08) – Franklin Creek CO - \$842. Motion by Tom Gay, seconded by Chan Rogers to approve. APPROVED. Bob Tucker was out of the room at the time of the vote.

Tyler Technologies, Inc. – \$11,732.50 – 43D grant funds – Motion by Tom Gay, seconded by Chan Rogers to approve. APPROVED. Bob Tucker was out of the room at the time.

## **OTHER BUSINESS**

*Open Space Committee Newsletter* – inaugural edition – NICE job

*Smart Growth/Smart Energy Conference* - \$60 -

Andy Rodenhiser – I will look at my calendar and see if I can attend.

Susy Affleck-Childs – The Design Review Committee is very interested in energy issues.

### ***Commonwealth Capital Application***

Gino Carlucci - I had gotten a couple of items from Dave D'Amico regarding energy conservation so we can get a couple of more points – I have an email out to Mark Flaherty re: water conservation study.

Andy Rodenhiser – Is that defined?

Gino Carlucci – I sent that along to Mark Flaherty. There is also 4 points for having a water ban in the summer. Is it a bylaw? But there may be a water/sewer board regulation.

Andy Rodenhiser – If they were to put in a conservation effort and spend money it would be a substitute for a water ban. So it doesn't cost them anything to do the water ban.

### ***Bellingham/Medway Study – Route 126 Area***

Gino Carlucci – We are pretty set to submit a proposal to MAPC for their technical assistance program - regional applications are what they are looking for – has higher priority -

### ***PICTometry***

Susy Affleck-Childs - Alan Bishop of MAPC made presentation at the recent SWAP meeting re: an April 2008 flyer. All towns will get the data and a hard drive – views from 5 angles - they offer a \$1,100 tech support contract – I would like to share that expense among a number of us

Last flyover was in 2003, distributed to towns in 2005.

Gino Carlucci – I remember giving it to Britt Hall. (Assessors)

### ***Swenson Granite Site Plan Completion***

Note – The site was inspected by Tom Gay

Tom Gay – I met with a real nice guy, John Proulx. He was very forthcoming in answering my questions. They have definitely done the work around the building. They have done additional landscaping near the sign and changed some of that. It is very interesting. There are a couple of things that were outlined in the decision - good landscaping per condition #5 – done nicely – changed a bit to accommodate the sign itself. – Ok

Item #7 – The original plan of 1996 had a requirement for a 10 foot landscape area on the perimeter - That work has not been done. The stone in the grass area is still there. It has not been addressed. They haven't moved that stuff. John Proulx said when he took over that store, the instructions were to go to the edge of the stone and stack it down –

Tom Gay – It hasn't been done per this site plan decision – condition #7

Andy Rodenhiser – So it doesn't do what this section says they should do. That is the actual fact. I don't see that there is anything different going on there.

Tom Gay – Is Bob unwilling to enforce it? Why should we worry about it?

Bob Tucker – What I hear you saying, is that what they have out there does not meet the site plan decision.

Bob Tucker – I would move that where the work has not been done in accordance with the decision, and they haven't asked us to remove that portion of the decision, that we should not approve

Bob Tucker – I remember when they came in and we talked about it. Buffers have been very important to this board.

A motion was made by Bob Tucker, seconded by Chan Rogers, to not accept this project as completed. They have not completed work in accordance with the decision. We consider it to be incomplete. The building department should not issue the occupancy permit. APPROVED.

Tom Gay – there is an option for a performance guarantee if an occupancy permit is sought before site work is completed – the as-builts shows the building work and the plantings -

Do they post a bond and get the occupancy permit, or do they do the work? They have that option

Susy Affleck-Childs – How could we get an estimate on what it would cost?

Bob Tucker – I don't have a problem with grass.

Gino Carlucci – They said they complied because they had planted grass. –

Bob Tucker – We didn't have an issue with the grass.

Tom Gay – Move it off the grass to the stone area. Pallets are on the grass.

Andy Rodenhiser – What do you do to keep them from going back to doing it? It isn't lush grass.

They did not comply with condition #7 they have an option to provide a performance guarantee or they can move it.

### ***Meeting Minutes***

Sept 9, 2008 – Motion by Chan Rogers, seconded by Bob Tucker to accept. APPROVED. Andy Rodenhiser recused himself as he did not attend the 9/9/08 meeting.

August 26, 2008 – Motion by Chan Rogers, seconded by Bob Tucker to accept. APPROVED.

It was agreed to hold off on the Nov 18<sup>th</sup> minutes . . .

### ***Other Discussion***

Bob Tucker - We do have a few names of people interested in the economic development commission. Let's think about this some more – we should review the names and start taking some action to get them going again – Those meeting minutes of the August 26<sup>th</sup> meeting would be very helpful to the new folks. – I think we ought to bring them in and talk to them and help them get started.

Chan Rogers - Route 109 Informal Committee voted to select a consulting firm to do the finish work on the TIP – we have recommended Design Consultants to the Board of Selectmen.

A motion was made by Bob Tucker, seconded by Chan Rogers to adjourn the meeting. APPROVED.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

## **Medway Planning & Economic Development Board Meeting December 9, 2008**

PRESENT: Robert Tucker, Karyl Spiller-Walsh, Andy Rodenhiser, Chan Rogers

ABSENT WITH NOTICE: Tom Gay and John Williams

ALSO PRESENT: Gino Carlucci, PGC Associates  
Susy Affleck-Childs, Planning Board Assistant  
Jan Fish, FinCom  
Phil Giangarra, FinCom

Chairman Rodenhiser called the meeting to order at 7:09 pm

**CITIZEN COMMENTS** – none

Andy Rodenhiser – How does the board feel about setting aside some time to work on just goals and priorities as a separate meeting? Neither Tom nor John can attend tonight.

Susy Affleck-Childs – John is not able to attend any Tuesday meetings in December – is there another night we could meet?

Chan Rogers – We should try to make it possible for him to participate, but if he cannot do so, well . . .

Bob Tucker – I think having a separate meeting with just that to talk about would be more productive. I would be palatable to having a separate meeting.

Chan Rogers – What is the urgency?

Andy Rodenhiser - May Town Meeting – if we work backwards, we will need to file articles probably in early march

It was agreed to have a Planning Board Special Meeting – Monday December 22, 2008 – 7 pm – Susy Affleck-Childs to check with Tom Gay and John Williams – Dec. 23 meeting to be cancelled.

### **Public Hearing Continuation - Williamsburg Condo OSRD**

Susy Affleck-Childs - They have asked for it to be continued. They are meeting with the DRC on 12/15 and want to wait until after that meeting

Public hearing was continued to January 13, 2009 at 7:15 p.m.

### **Birch Hill Subdivision Request for Bond Reduction**

Ellen Rosenfeld  
Mark Rosenfeld

Andy Rodenhiser – An opinion letter was mailed to you from Town Counsel. Certainly the text of the letter up to the last paragraph spoke pretty clearly with regard to what the Planning Board's position seemed to be at the last meeting. Does anybody want to talk about the last paragraph? There are some fairly detailed cases that support our position. Should we share the opinion letter? There is the confidential nature of the legal communication - It is my personal belief it is in the town's best interest to keep the information to us. It is in our realm whether to release it or not.

Chan Rogers – I don't think the opinion she has rendered is going to change my opinion. – It is along standing practice to hold a bond for streets to be accepted. The issue is the amount of money held as a minimum. We have agreed that everything has been done because we have a bylaw, or standard practice to keep a minimum until acceptance. That may be up for discussion

Ellen Rosenfeld – So Town Counsel says it is OK? I still think it is illegal and I will pursue my remedy, which I don't want to do but what the heck!

You have \$5,000 of my money on the side (in the construction inspection account) for legal and inspections for engineers outside of the bond amount – you are looking for another \$3,000 to bring it up to the total amount she (Susy) invoiced me for

What is the minimum bond for? Presently you require \$40,000 – what is that to ensure?

Andy Rodenhiser – To ensure that the legal work that is supposed to be done is actually done properly, and that Town Meeting can in fact accept the streets – If you don't reserve the fee in the road, if additional work or takings is necessary there is more expense – It is essentially an insurance policy - If you want to provide an alternative bond type, that is your option

Chan Rogers – The purpose of doing this is not discussable - it is obvious, - you may have a question as to the amount of money – The principle is very firm in the Commonwealth.

Ellen Rosenfeld – I beg to differ with you. The principle of holding money for bond surety against street acceptance is not well established.

Andy Rodenhiser – As part of this decision, it was written that way

Susy Affleck-Childs – No, this provision was part of the (subdivision) rules and regs (in effect in 2002)

Ellen Rosenfeld – I did not know that the subdivision rules and regs included that provision.

Mark Rosenfeld - If the town does not vote to accept the street, is there a check waiting for us that night?

Karyl Spiller-Walsh – I think it is a multi faceted issue. If the town votes not to accept the street, why? – probably because something is wrong with the street – and the money being held in the bond is to ensure that the repairs can be made.

Andy Rodenhiser – I think it is difficult to hold over - Our (Town) Moderator has told us that one town meeting cannot hold over another town meeting in the future.

Chan Rogers – The board is at liberty to set a threshold to protect the people who bought lots on the basis that the street would be accepted. It can't be a blanket number.

Andy Rodenhiser – What if Town Meeting doesn't approve it?

Chan Rogers – Then the Planning Board can look at the reasons why and decide.

Andy Rodenhiser – What if 50 people show up at Town Meeting and they all don't like the Rosenfelds?

Chan Rogers – The Planning Board is at liberty to make the decision, then, as to how much money is kept to ensure that it meets standards.

Ellen Rosenfeld – To assure that it could be accepted . . . not to assure that it must be accepted. That is what bonds are for – to assure that the ways and means are there so it is up to street acceptance standards, but not that it actually be accepted.

Chan Rogers – If that isn't what I said, that is what I meant. I agree it has nothing to do with what is accepted.

Ellen Rosenfeld – He is right.

Ellen Rosenfeld – I came here tonight – I said to myself you (the Planning Board) are in a tough spot – I know you were going to say Town Counsel supports us (the Planning Board)

Andy Rodenhiser – In this discussion, we are learning about a potential inequity (in the rules and regs) – I would suggest that if we went through a Town Meeting cycle we would be in an awkward situation - the fact is that you didn't ask for a waiver (to this regulation to retain \$25,000 until street acceptance) – consistency that is reflective of how this board tries to act is a principle that needs to be upheld as well –

Susy Affleck-Childs – There are two key issues here - the road status and the paperwork to convey the road

Ellen Rosenfeld – We don't need to do anything. – Forget street acceptance. – Get it out of your heads. If I meet with my property owners – if they want to pursue it, I will pursue it with them. I will do it all. I will come to you. If you want the street, take it; if you don't, then don't. I don't want you to have it.

Mark Rosenfeld – The bond is to be able to get it at a level to be able to turn it over you

Ellen Rosenfeld – You say you want to see how it sets up – It was done on November 15. Give me the list – whatever isn't up to par – he (Mark Louro of VHB) was making all his notes – I was paying for that.

Andy Rodenhiser – None of that is disputed.

Ellen Rosenfeld – I can't go any further with it. I have done what I have contracted to do. I am asking you to stand up and do your part of the bargain

Karyl Spiller-Walsh – I agree with Ellen Rosenfeld and with the Planning Board with the intent – I think there was a calamity – She didn't request a waiver, and that was unfortunate. The rules and regs were there. The Planning Board goes along with its procedures –

Andy Rodenhiser – She is questioning the validity of the rules.

Karyl Spiller-Walsh – So am I –

Ellen Rosenfeld – I thought we were all really working off this same surety list (2005 bond estimate) – there is nothing on that bond list about legal work

Chan Rogers – They want to make sure that the work that is done in the fall holds up thru the rigors of the winter - I think we need to get to the specifics of the amount

Andy Rodenhiser – The principle is the difficulty

Ellen Rosenfeld – I am going in front of Medfield at the same time – wrapping up a subdivision — there is no 6 month or 3 month requirement there

Chan Rogers – The next step is to determine what is reasonable to take care of the contingencies that are in front of us for approval by next spring.

Ellen Rosenfeld – You have already determined it to be \$25,000.

Andy Rodenhiser – The only reason to hold the \$25,000 is for street acceptance.

Ellen Rosenfeld – I want you to chew on it.

Andy Rodenhiser – Turn around and look our there. Those are Medway residents. There are people who live on Azalea Drive whose contractor walked away and who have never had their street accepted. From year to year bylaws exist or get changed. They are what we are operating on right now. We have done a lot of work over the years. This is what we are operating under. I don't think any of us have a lack of compassion

Ellen Rosenfeld – Just sometimes, boards really don't get it. \$25,000 is a lot of money

Bob Tucker - You are most likely an exception.

Andy Rodenhiser - Not accepting a road is not fair to the residents who expected to have a public street.

Ellen Rosenfeld – If there is a problem between the builder and the residents, it is not your problem – you are making it a problem and you are making us pay for the bad ones (developers)  
- This is just another example of that –

Andy Rodenhiser – We are not taking on too much. I think as soon as we are able to come to some type of agreement, you will probably see us tackling our rules and regs

Ellen Rosenfeld – It doesn't matter how you tackle that

Andy Rodenhiser – No, we are talking about making a change to address this issue

Ellen Rosenfeld – Is there any movement in the \$25,000 (minimum to be retained)?

Chan Rogers – All the work physically is done?

Andy Rodenhiser – You do not have a final sign off from VHB -

Andy Rodenhiser – We had voted previously to reduce the bond to \$25,000 which was the amount in effect in the rules and regs. We have already reduced it to a minimum.

Andy Rodenhiser – She is asserting we don't have the right to hold the money till town meeting.

Karyl Spiller-Walsh – I kind of agree with that point. I think we do have the right to hold off until the engineer signs off. I uphold the rules and regs reluctantly.

Andy Rodenhiser – You have a public road on one side (lower part of Hunter) and a public road on the other side (upper part of Ivy). A private way is not what was intended when the subdivision was granted.

Karyl Spiller-Walsh – In writing the rules and regs – the bond is to ensure that the road is built

Chan Rogers – We are well in our authority to ensure that it is done so it can be accepted

Andy Rodenhiser – So lets say Mark Louro (VHB) goes out and signs off on it and says it is complete – are you willing to refund the money?

Chan Rogers – Yes

Andy Rodenhiser – Why would you hold the money – for purposes of warranty?

Chan Rogers – I feel we have a perfect right. That is the sole purpose - to ensure that the streets meet the town standards. And the only way we have to make sure they are constructed is to hold the bond.

Karyl Spiller-Walsh – Ellen Rosenfeld is saying that Town Meeting and street acceptance are separate from the bond.

Andy Rodenhiser – I am almost in. There is no provision to hold it for warranty purpose. She is asserting . . . .

Karyl Spiller-Walsh – It is a little bit of a dilemma. You are not entirely without blame.

Ellen Rosenfeld – You are right.



Ellen Rosenfeld – I had an offer for you two weeks ago

Karyl Spiller-Walsh – Could I hear it again? I wasn't at that meeting.

Ellen Rosenfeld – There is still \$4,400 needed for street acceptance/as-built plan - I was willing to leave that in there plus more up to a total of \$10,000 (in the bond) plus the \$5,000 she (Susy) has in the other account and I will work with Town Counsel to get the paperwork ready

Chan Rogers – I am willing to listen to a reduction. It is not going to be based on acceptance or not. It is whether it is done in terms of the requirements.

Andy Rodenhiser – That is not congruent with what Town Counsel has recommended – there is not good legal ground to take that position on

Chan Rogers – It will take a majority vote of the board

Andy Rodenhiser – Any further discussion?

Ellen Rosenfeld – Can I just say one other thing? I really don't want to do this. I am ready to go in and challenge this. I don't want you to go in and spend money on legal fees challenging this. I think it is ridiculous. I will prove it is invalid, you will return all bond money to all other people. I am ready to do that.

Andy Rodenhiser – That is your belief. That is why we sought opinion of Town Counsel

Ellen Rosenfeld – Can I just say this? So basically, she is telling you it is legal

Andy Rodenhiser – I think it is legal because it exists in our regs

Karyl Spiller-Walsh – I think it is legal in terms of black and white. We are like a little grey here – in terms of the intent and what we are looking to end up with as a product, it is a good street with good houses and to ensure that the product that you make is going to survive

Ellen Rosenfeld – I also thought we would all be thrilled that it would all be done.

Andy Rodenhiser – We are, but we have rules that govern the conduct of what happens. It is there. It may not be fair. The principle of consistency is important to us, but not to a fault. If we can make some changes or modifications to this that reflect what the members of the board feel is fair and protects the interest of the town, you would benefit from that.

Andy Rodenhiser – My one concern – we don't know whether \$5,000 is really going to be enough (for legal work) considering that there are multiple mortgages on those properties of 9 home owners that need releases

Bob Tucker – Did you save the fee in the road?

Ellen Rosenfeld – No. I can't even ask you to accept the street as I don't really own it

Susy Affleck-Childs – But the mess ends up here at Town Hall.

Chan Rogers – Are we agreeing on \$15,000?

Ellen Rosenfeld – I will leave \$10,000 in the bond.

Andy Rodenhiser – She is actually requesting \$15,000 back.

Chan Rogers – The board needs to agree on a bottom figure which we hold. Is that \$15,000?

Andy Rodenhiser – She is asking for \$15,000 back.

Andy Rodenhiser – Can we have town counsel give us an idea of the legal cost for this?

Ellen Rosenfeld – I told her I would do all the (legal) work.

Andy Rodenhiser – But you don't represent the Town's interest. We still have to pay her to review your work and make sure the Town's interest is protected – The cost of that work should be considered.

Chan Rogers – What is the engineering and construction amount that remains?

Andy Rodenhiser – It is virtually done.

Andy Rodenhiser – What if we get an estimate from Town Counsel?

Karyl Spiller-Walsh – How many houses?

Ellen Rosenfeld – 9 homes

Karyl Spiller-Walsh – Could we get some definite response from VHB to say where it stands

Andy Rodenhiser – If we don't have that as a rule, we don't recommend acceptance

Bob Tucker – If the road has been built and inspected right along, I disagree with having to wait a winter –

Karyl Spiller-Walsh – The engineering on the project should be done to survive

Andy Rodenhiser – That is why we have rules and regs –

Karyl Spiller-Walsh – Is it a rule about waiting for the winter? – What is the regulation?

Bob Tucker – That would be lunacy for a building – Would a building inspector not give an occupancy permit for a year after the house is built?

Chan Rogers – If there is any opportunity for streets to go wrong – it is the rigors of the winter – it is best to look at it in the spring – I am willing to hear what is left to be done

Andy Rodenhiser – Let's move this along. We need to get an estimate from town counsel for whole legal package would be – we need to ask town counsel to ascertain what the facts are for an accurate estimate – and then get a recommendation from VHB as to whether it needs to go through the winter and if so, what are the boundaries of that – is it rooted in an engineering principle, standard of care, common practice?

Ellen Rosenfeld – I would like a letter from them as to outstanding issues

Andy Rodenhiser – ask VHB if they are prepared to recommend street acceptance at this time? Does he think it – we will try to give you additional clarity from Mark Louro –

Andy Rodenhiser – Any dissenting?

Karyl Spiller-Walsh – I kind of agree with her on the street acceptance –

Andy Rodenhiser – I think we need to address this at our next meeting

Chan Rogers – We moved the next meeting to Dec 22

Karyl Spiller-Walsh – Let's meet with Ellen Rosenfeld on that day too

Monday December 22 – 7:00 pm

Ellen Rosenfeld – Thanks

**ANR Plan:** Cedar Farms Road – Map 4, Parcels 53 & 52A  
**Applicant:** Mike Curatola  
**Property Owners:** Joe Griffiths/Tri Valley Realty Trust & Vincent Ozella

**Present:** Mike Curatola, applicant  
Paul DeSimone, Colonial Engineering  
Stephen Kenney, attorney

Andy Rodenhiser – As there are residents here, we will hear information first from the applicant and address questions – please raise your hand and identify yourself and address so we can type into the record

Stephen Kenney – representing Michael Curatola – I have an affidavit from Michael Curatola to present to you - It addresses some of the factual issues, what we are dealing with here, an ANR plan in which there is adequate frontage and the issue of adequate access to the buildable portion of the lot. Apparently there is a guardrail that covers a portion of the frontage. Michael Curatola went to the site yesterday in order to view the site and measure. He states the opening in the guard rail is 30 feet wide – He then has driven his truck through the opening 28-30 feet into the parcel – the rear of his truck is about 18 feet from the guardrail – The land on which the truck sits is level. Mr. Carlucci had mentioned there is a retaining wall and that the retaining wall went to the area where the guardrail opening was. That is not the case. I went there myself. The retaining wall is to the right of the guardrail opening – approximately 45 feet down the way – there is also a drainage easement that is shown on the plan – and an opening in the guard rail to provide access (for the Town) to get to the detention pond (for maintenance) – it provides access

to the lots so the detention basin can be dealt with – if you follow the lot down, it is a 4-5 feet drop – photo #4 shows a pole to measure the slope – photo #5 is the pole showing 4.5 feet – we are attempting to show that there is adequate access from Cedar Farms Road onto the lot and it is not a drop off – it is a gradual decline of 4-5 feet and it levels off once again – the retaining wall is 45 feet away from the opening –

Chan Rogers – The retaining wall does exist as retaining from the so called opening all the way west to the first house which is built about 20 feet lower than the street – from that point east, the retaining wall extends about 4 feet high all the way

Stephen Kenney – It doesn't go all the way to the opening. It goes to about 45' away from the opening of the guard rail - there is no wall where the guardrail breaks

Chan Rogers – but there is several hundred feet of retaining wall

Stephen Kenney – yes, no question – but our point is that the wall doesn't go to the opening, and that there is not a sharp drop off.

Chan Rogers - but only at the break in the guardrail

Stephen Kenney – exactly and the wall is 45' away

Andy Rodenhiser – Gino, based on this info, does this change anything in your comments?  
REFERENCE 12/5/08 review memorandum (attached).

Gino Carlucci –The issue is whether it warrants endorsement – There is no access to the second lot. It doesn't meet the requirements for ANR endorsement. Therefore it requires subdivision approval

Stephen Kenney – This document shows there is adequate frontage and there is access available to the lot

Andy Rodenhiser – How is it you are claiming ability to access both lots? You have access to one and not to the second How is this not a subdivision?

Stephen Kenney – There is adequate frontage. We have adequate frontage and we have access to one of the lots upon which we could have an easement to (access) the other lot. There is access available to these lots thru this opening in the guardrail

Andy Rodenhiser – Gino Carlucci, you are saying that they have access to only one of the lots

Gino Carlucci – yes

Stephen Kenney – That is where we are in disagreement.

Andy Rodenhiser – You are seeking an ANR endorsement based on the granting of the easement. Can you go right to that?

Stephen Kenney – We have the frontage for 2 lots. We have access to one of the lots. It could be used for that lot and then an easement can be granted (over it) to get to the other lot, and that is able to be done. You are saying that you are taking away a buildable lot because of the guardrail. We believe the opening provides access - What is the issue?

Gino Carlucci – The guardrail and the retaining wall

Karyl Spiller-Walsh – and the land itself - that is a lot of area to traverse to get to where the house would be built

Stephen Kenney – We are talking about ANR plan approval. We will deal with Conservation on our own

Andy Rodenhiser – The standard for us to consider is whether it is traversable

Stephen Kenney – I believe it is traversable.

Stephen Kenney – I disagree it is not eligible for ANR approval. The fact is that you have an opening in the guard rail – if the drop off was 25 feet down, that would be a problem – but we have a gradual slope – the Planning Board has the ability to approve an ANR plan and allow the owner to grant an easement from one lot to another

Gino Carlucci – In my memo to the board I cited the case of Gates vs. Planning Board of Dighton. The court ruled in favor of the Planning Board – “*the adequacy of such a road system, as prescribed by the rules and regulations of the planning board is precisely what the subdivision control law is all about. As in the Gifford case, the plan proffered is ‘an attempted evasion of the duty to comply with the regulations of the planning board.’*” this situation is almost identical – they are proposing access from Fisher Street that already serves 4 houses

Stephen Kenney – The Giovanella lot goes back to 1800’s

Stephen Kenney – In terms of the ANR plan that was presented in the Gates case, it is certainly not analogous to this situation at all – that needed a 2000’ bridge (to cross wetlands) to get to the buildable portion of the lot

Also, there is another 30 foot wide access easement down the road which serves as another means of access for the lot – my point is that you have the frontage – you have actual access available to one lot at the present time and he has an ability to grant an easement from one lot to another – he could use the other access from Fisher Street and not deal with actual access from Cedar Farms Road – that may be the best approach

The ANR plan is adequate for signature – it is not a subdivision of land – the access is available to one lot by easement over the other lot

Chan Rogers – but that doesn’t constitute frontage on a street

Stephen Kenney – There is frontage, but it is blocked

Gino Carlucci – There is another case where it says that a guardrail doesn't allow for frontage to count (Poulos vs. Planning Board of Braintree)

Chan Rogers – I don't challenge the fact that by subdivision you create two lots and create a street that – right now you have frontage to both but access to only one

Stephen Kenney – So what we are dealing with here is this - I think that the board could do this if they wanted to – adequate frontage and access to both lots – it may not be direct access to the second lot – there is an ability to access a second lot through an easement – the alternative is a subdivision with the building of a road and all that goes along with that – that doesn't seem to be the best situation where the board legally, in my opinion, has the ability to sign an ANR plan – in essence not have the cost, additional burden to the neighborhood – that is not what we want to do here – there is a lot of case law – there is case where portions of a lot that were covered by jersey barriers and by guardrails and the court said there was an ability to access the lots because there were breaks in the guardrail

Gino Carlucci – that is not the case here – the entire frontage of lot 1 is covered by the retaining wall and guardrail

Karyl Spiller-Walsh – isn't the opening for emergency access?

Stephen Kenney – why is that considered emergency?

Gino Carlucci – the opening is for access to get to the detention pond – not emergency

Chan Rogers – the purpose of the easement is to maintain the drainage system that serves the entire subdivision or a major portion of the subdivision and that is the purpose of the opening in the guardrail - the main purpose of the opening is to allow for maintenance vehicles to get to the detention structure for cleaning – I don't see how that could also serve as frontage for a building lot

Stephen Kenney – it is frontage on a parcel of land that is subject to the easement

Chan Rogers – it is frontage but not access available to the public to serve a building lot

Stephen Kenney – it is access available to the landowner – the owner of the land can use it to enter the property

Chan Rogers – did we ever determine who has responsibility for the guard rail

Stephen Smith, 45 Cedar Farms Road – The original builder built the guardrail because the town required it because of the drop off for safety reasons - that is why it was put in there for safety reasons

Andy Rodenhiser – Who installed it?

Mr. Smith – Tanial Bedrosian – He was asked by the town to do that - probably in 2001

Andy Rodenhiser – Is there anything else you want to present?

Stephen Kenney – I heard a member say that it is not traversable – is the board of the opinion that an individual can grant an easement to another to cross the property – that is certainly in the right – it is well within your ability to approve it as an ANR plan – if not, then it becomes a subdivision approval – it appears that there is more than one means of access here – more economical and more aesthetically pleasing to the neighborhood and a better overall plan to allow an ANR plan to be approved and to have the access from Fisher Street

Andy Rodenhiser – So you suggest that the driveway that presently provides access to 4 houses would now serve 6 houses and it would not be a street?

Stephen Kenney – it would remain as a driveway – that is a plan – the access that the board can rely on is from cedar farms road –

Andy Rodenhiser – I think that is dangerous – we have subdivision rules and consistency of following the rules – we follow our rules –

Chan Rogers – The instant question before us, dividing a single lot into two lots in the approval not required (ANR) which means that you have no discretion except the conditions Gino Carlucci has articulated. If you agree, it would not be approved. There is only access to one lot. They both have frontage. Given the Planning Board not approving it, the applicant has the right to come in with a subdivision plan to extend the easement through the guardrail as a street to then provide frontage for any number of lots back there. But a few moments ago, you said the other access was from Fisher Street

Andy Rodenhiser – They are proposing a driveway that would support 6 houses

Gino Carlucci – The pavement on the ground is 12 feet wide

Chan Rogers – It also violates a cul de sac being more than 600 feet long

Gino Carlucci – which they also propose to relocate – and they need to cut down trees to extend it – it doesn't exist on the ground today . . .

back to the guardrail issue, there is another court case that addressed this - Poulos vs. Planning Board of Braintree – *“It is not enough that the plaintiff proposes to regrade the land in a manner satisfactory to the CPS and that the DPW may respond by removing the guardrail.”*

Stephen Kenney – My point is that you do have a way to access

Karyl Spiller-Walsh – it has been referred to that there is agreement that there is access to one lot – I disagree – it has to be traversable to the building site – I see that is impossible – due to wet, water, constraints of the site

Stephen Kenney - Our opinion is that it is traversable.

Gino Carlucci – Right now, it is an existing lot, and you could try to build on it

Stephen Kenney – We are not sure where the buildable portion is

Karyl Spiller-Walsh – To call it access is an incomplete idea

Andy Rodenhiser – Under the guise of a single lot, they would go in and go to ConCom and they could do that – if they were denied by ConCom – it is not our process to regulate – the issue of the ANR is before us

Karyl Spiller-Walsh – I see zero access

Bob Tucker – I am going to side with Gino Carlucci's conclusion that it doesn't quality. I don't see access onto lot #1 that our rules and regs talk about and therefore it may be appropriate for a subdivision

Chan Rogers - That is exactly the way I feel.

Bill Sharpey – 50 Fisher Street – Is there a maximum number of homes to put on a common driveway?

Susy Affleck-Childs – We don't have any language in the zoning bylaw to specifically allow or disallow common driveways.

Chan Rogers – we don't allow access to more than 1 house from a common driveway

Andy Rodenhiser - A common driveway means there is more than one house using it

Chan Rogers – I said we don't allow access from a street to more than one lot

Bob Tucker – I don't think we do it generally

Andy Rodenhiser – If you have the ability to have access off a public street, there are occasions where people share a driveway.

Susy Affleck-Childs – The zoning bylaw neither requires or prevents common driveways.

Andy Rodenhiser – he could come back in here with a subdivision plan with a road going into this - he may propose to upgrade the Fisher Street access

Bob Tucker – It is very confusing.

Karyl Spiller-Walsh – It isn't. What you have to do is prove that you can produce a (subdivision) plan according to the rules and regs. And then the applicant and board have an opportunity to waive rules and regs for betterment of a project such as doing a common driveway in lieu of multiple driveways to reduce number of curb cuts. But the applicant has to come in with a plan that they can do to meet the regs

Andy Rodenhiser – And the applicant has to make a case that is it better to waive a regulation

Neighbor – What is maximum amount of land that could be filled in wetlands?



Gino Carlucci – Generally you can fill up to 5,000 sq. ft with replication of wetlands elsewhere, but you can go more than that if the ConCom will allow it.

Paul DeSimone – Anything over 5000 square feet is a 401 water quality cert – and that is on a limited project

Jan Fish, 4 Fisher Terrace – Could the road be built over a town drainage access easement?

Bob Tucker – It is subject to being torn up if access is needed.

Jan Fish – And at that point, the road is on top of the drainage easement – whose responsibility would it be to repair that road?

Andy Rodenhiser – The easement is granted to maintain the drainage easement

Andy Rodenhiser – I would imagine where it existed first without the driveway . . .

Susy Affleck-Childs – I think that is something we need to find out more about

Jan Fish – Can a road expansion be built over a right of way – if that old right of way (off of Fisher Street) is made wider and it is going over easements or rights of way – do those easements and rights of way have to condone that work

Karyl Spiller-Walsh – There is already a 25 foot common driveway

Bob Tucker – You would have to see how it was written –

Jan Fish – What does ANR mean

Andy Rodenhiser – If we sign it, we agree that it does NOT need subdivision approval –

Jan Fish – Can plans for one house per lot be expanded?

Andy Rodenhiser – They could come in the future for an OSRD or an ARCPUD in the future - as a special permit

Bob Tucker – What is land zoned for?

Andy Rodenhiser – AR2

Chris Giovanella– The right of way is 25 foot to my mother's property. They had to get a variance for that lot - My parents purchased the right of way from all the neighbors –

Andy Rodenhiser – Those other lots were before the lot shape factor requirement in the zoning bylaw

Stephen Kenney – There was an original right of way. The Giovanelli purchased the right of way 20 years ago.

Andy Rodenhiser – Do they have a right to grant further easements for other properties?

Bob Tucker – If they own it.

Stephen Kenney – The Ozella parcel has the same right of way.

Stephen Kenney – There is an old right of way plan that was never recorded.

Andy Rodenhiser – How is that relevant?

Stephen Kenney – it exhibits the right of way referred to in a deed

Gill Martin, 41 Cedar Farms Road – representing my son – I want to go on record that he is against the Planning Board approving this ANR

Andy Rodenhiser – They assert they have the right to access the site from the driveway at Fisher Street -

Gill Martin – What does it cover?

Andy Rodenhiser – If we don't approve it as an ANR, it dies right there and they have to come back with a subdivision

Gill Martin – if the ANR plan was approved for Cedar Farms with access that in the future because you set a precedent for a limited access that further access is not the rest of the property, whether it is developable or not I don't know – does it set a precedent for the owner or developer to come back to the board again – could he come back?

Andy Rodenhiser – that is not likely, but what is likely is that other parcels elsewhere in town might try this approach

Stephen Kenney – if the ANR were approved, he would certainly agree to place a limit to two lots – he would agree –

Susy Affleck-Childs – would that be a private deed restriction/

Stephen Kenney – Yes

Andy Rodenhiser – We would still be subverting the principle we are trying to avoid subverting

Stephen Kenney – there is case – Gallitano vs. Board of survey & Planning of Waltham - that sets out a formula for practical access - these lots fit that formula noted in Gallitano – the lots are large enough such *“the buildable portion of each lot is connected to the required frontage by a strip of land not narrower than the required frontage at any point, measured from that point to the nearest point of the opposite sideline.”*

Andy Rodenhiser – That is just a portion of a decision and we don't know the context of the whole thing

Susy Affleck-Childs – Do you want to get legal counsel's help on this?

Andy Rodenhiser – If you want us to get an opinion from legal counsel, we will extend this thing or you can withdraw it - would you like some time to discuss with your client?

Stephen Kenney – yes

Chan Rogers – I side with Gino Carlucci, and I think Bob Tucker has stated it doesn't meet the ANR

Bill Creonte, 35 Cedar Farms Road – Traversable by what means? Is there a standard by which traversable is defined?

Andy Rodenhiser – That is left up to the board's discretion

Andy Rodenhiser – I think they are saying it would be a lot cheaper to come in from Fisher Street

Stephen Kenney – We will withdraw and come back in with a subdivision plan –

Karyl Spiller-Walsh – Maybe upgrade the easement (from Fisher Street)

Paul DeSimone – We do have another access, up the street

Nancy Peterson – 37 Cedar Farms Road – We have a 30 foot easement – On our deed it says it is a maintenance easement

Paul DeSimone – The subdivision plan it says it provides access to the rear land

Andy Rodenhiser – Your recorded plan and deed may say one thing and be in conflict with another document.

Andy Rodenhiser – I would suggest you seek counsel.

Stephen Kenney – The plan will be to seek a subdivision plan, and come in and talk with DPW about adjusting the guardrail.

Stephen Kenney – The reason we wanted to do it this proposed ANR way is that it made sense economically.

Stephen Kenney – If we are going to have to go through the subdivision process, then it would behoove us to get as many lots as possible – there is an idea based on some preliminary work that there could be 8-10 lots maximum over 30 acres which is not really what we want to do

Chan Rogers – There are some serious conservation issues on that land

Karyl Spiller-Walsh – I would be shocked if you could do that

Paul DeSimone – We do have a lot of uplands up there

Stephen Kenney – Thanks for your time

### **Revised Commonwealth Capital Application**

Updated draft – Gino Carlucci reviews with the board

Look more at density bonus for OSRD and affordable housing

Look at possibly designating some existing open space area as a town forest – ask Open Space Committee to look at that

Add one point for # 26 re: production or purchase of renewable energy

Look at #27 – as well – Gino will check the guidance on that one –

Phil Giangarra – How does this benefit Medway

Andy Rodenhiser – This is the basis for many grants the town goes after from the state - the strength of the score determines your competitiveness.

Karyl Spiller-Walsh – All the towns I like have 0 or no scores. What does that mean? I wonder about what their (state) goals are, and how are our goals different than theirs?

Bob Tucker – I am concerned about what we do here, and if this will help us in getting funds, I am for it

Karyl Spiller-Walsh – What do you end up – what do you want – some of those towns are ones that I appreciate the qualities of life – impressive affordable housing, and good open space

NOTE - send list of others towns Commonwealth Capital scores to Karyl Spiller-Walsh and Phil Giangarra

Andy Rodenhiser – Let's also review with Suzanne Kennedy

### **MAPC District Technical Assistance Proposal**

Andy Rodenhiser – You have a draft document put together by Gino Carlucci – essentially based on info we developed last year with Bellingham – looks at the border between Medway and Bellingham

Gino Carlucci – it takes a look at the land in both towns in that area along the border – West Street to the Town line and down to Route 126 and has a kind of back of envelope idea for what the development potential is – points out that traffic is a big issue – outlines 3 possible new access ways -

Bob Tucker – I spoke to Gino Carlucci earlier. I gave him a suggestion that he reference the figures that he has attached in the body of the proposal to make it easier to understand.

Andy Rodenhiser – When would this be submitted?

Gino Carlucci – any time

A motion was made by Chan Rogers, seconded by Bob Tucker to approve submitting a proposal to MAPC for their District Technical Assistance program. – APPROVED.

## **Minutes**

A motion was made by Bob Tucker, seconded by Chan Rogers to approve the minutes of November 18 & 25 and August 12, 2008. APPROVED. Karyl Spiller-Walsh abstained as she had not attended the Nov 25 meeting

**Invoices** - None

## **Reports**

Chan Rogers – Route 126/109 intersection is almost done – the separate dedicated left turn land (for east bound 109 traffic turning north onto route 126) is working well

Susy Affleck-Childs – a couple of items – the Request for Determination for 9 Walker Street has been submitted to Concom; I have completed the paperwork for submitting the approved 43D sites to the state for formal action – the state interagency permitting board may not be meeting monthly starting in 2009 so it may not be until March – we had a great session with MUNIS last week re: the permitting program – the issue of remote access is critical for ConCom and ZBA – the town will need to have VPN capability – I am working with Rich Boucher, the new IT director – the Town will be hiring a project manager for this – they went thru an RFP and have 3 proposals – I am advocating for the one firm that has MUNIS permitting experience

Phil Giangarra - Is there budget for the VPN?? How many will we need? That can be expensive - I was involved in looking over the budget for this and there were no provisions for VPN – I will mention this at FINCOM tomorrow night

Karyl Spiller-Walsh – Has anyone seen elevations or plans for building at 2B Oak Street for Camp Sunshine?

Bob Tucker – The Community Preservation Committee is also looking for people to come in with proposals for ideas on 2B Oak Street – we don't want the property to sit idle – CPC is still looking and willing to consider any ideas

Andy Rodenhiser – I am working with Rob Pomponio. He is spearheading the Camp Sunshine proposal – I am trying to match up MetroWest Boys and Girls Clubs for some professional administrative help – Camp Sunshine is a 6 week program and the balance of the time would default to a camp for Boys and Girls Clubs and space for Parks and Rec

Karyl Spiller-Walsh – and a meeting house

Bob Tucker – Camp Sunshine only runs for a period of 6 weeks – what do you do with it the rest of the year

Andy Rodenhiser – a very generous benefactor has come forth to help them

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to go into executive session to discuss ongoing litigation with intent to not come back

ROLL CALL VOTE

Karyl Spiller-Walsh - Yes

Bob Tucker - Yes

Chan Rogers - Yes

Andy Rodenhiser – Yes

APPROVED

The board went into executive session at 10:10 PM

The board returned from executive session at 10:18 pm.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to adjourn the meeting.  
APPROVED. The meeting was adjourned at 10:20 pm

Respectfully submitted,

Susan E. Affleck-Childs

Planning Board Assistant

## **Medway Planning Board December 10, 2008 Executive Session**

The Executive Session was convened at 10:10 pm for purposes of discussing ongoing litigation – Barberry Homes vs. Medway Planning Board (Daniels Village ARCPUD)

Susy Affleck-Childs – You have received an email note from Town Counsel re: this matter. See attachment. The attorney from Barberry Homes indicated the developer would make the senior center payment if the planning board would agree to amend the ARCPUD bylaw to not require 10% affordable

Andy Rodenhiser – I think we should say no thanks

Bob Tucker – I think I would let them flounder

Gino Carlucci – I think they think they are going to lose and this would bump this down to May 2009 town a meeting

Andy Rodenhiser – At worst case, it would be remanded back to us

Andy Rodenhiser – They (Barberry Homes) are facing significant issues (with their project) over in Natick – they probably couldn't get financing if they wanted right now

Andy Rodenhiser – Just in retail credit, GE Finance is the only one writing that kind of stuff – every other lender has pulled out of Massachusetts

Chan Rogers – They want us to relieve them of the 10% affordable housing requirement and they will do the contribution to the senior center? Is that is the question we are discussing now in exec session?

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh that the PB reject the offer and not make a counter offer.

### **ROLL CALL VOTE**

Karyl Spiller-Walsh - Yes

Bob Tucker - Yes

Chan Rogers - Yes

Andy Rodenhiser – Yes

**APPROVED**

A motion was made by Karyl Spiller-Walsh, seconded by Bob Tucker to come out of executive session.

### **ROLL CALL VOTE**

Karyl Spiller-Walsh - Yes

Bob Tucker - Yes

Chan Rogers - Yes

Andy Rodenhiser – Yes

**APPROVED**

The Executive session concluded at 10:18 pm.

*12/9/2008 Planning Board Minutes*  
*Approved 12-22-2008*

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant



**ATTACHMENT to Minutes of 12/9/08 Planning Board Meeting**

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**PGC ASSOCIATES, INC.**

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pgca@comcast.net

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**MEMO TO:** Medway Planning Board

**FROM:** Gino D. Carlucci, Jr.

**DATE:** December 5, 2008

**RE:** Curatola ANR plan on Cedar Farms Road

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I have reviewed the revised ANR plan prepared for Michael Curatola. The plan proposes to reconfigure lot lines between two existing parcels in order to create two lots. The plan was prepared by Colonial Engineering, Inc. of Medway, and is dated November 14, 2008 with revision dates of November 24, 2008 and December 1, 2008. The revised plans show a guardrail in front of the entire frontage along Cedar Farms Road except for a single opening that provides access to a detention basin within a drainage easement at the front of the property. It also shows a wetlands line on the property taken from the Assessor's Map.

I have also reviewed:

- An agreement dated December 3, 2008 between Jo-Ann S. Giovanella and Michael Curatola in which Giovanella agrees to grant an easement across her property linking the parcels to be purchased by Curatola to an existing 12.5-foot easement that provides access to Fisher Street.
- A Memorandum in Support of Approval Not Required Endorsement" for Michael Curatola prepared by Attorney Stephen Kenney.
- A Plan of Land in Medway, MA dated December 16, 1980 prepared for Millis Engineering Associates, Inc. by Clayton T. Ryan, Jr. R.L.S.
- Easement Relocation Plan of Land dated November 4, 2008, prepared by Colonial Engineering, Inc.
- Letter from Michael Curatola dated December 3, 2008 describing existing right-of-way off Fisher Street.

I do not believe that this plan is entitled to ANR endorsement and I recommend that it be denied such endorsement. To be entitled to ANR endorsement, a property must show frontage on a public way, a way approved under the Subdivision Control Law or a way in existence when the Subdivision Control Law was adopted and which the Planning Board judges to have adequate width construction

and grade. Cedar Farms Road is a public way. However, practical adequate access to that public way does not exist. A guardrail more than 500 feet long extends across the entire frontage except for the single opening (that scales to about 30 feet wide on the plan) that allows access to the drainage easement. Beyond the guardrail, the land slopes gently for 5-10 feet to a retaining wall. The grade behind the wall is about 4 feet lower than the wall and slopes gently for a short distance before dropping to the natural grade of the land, which appears to be about 15 feet or so below the grade of the pavement.

Attorney Kenney states that access could be provided from Cedar Farms Road. The Massachusetts Supreme Judicial Court ruled in Poulos v. Planning Board of Braintree:

We conclude, as did the Appeals Court, that c.41 Sections 81L and 81M, read together, do not permit the endorsement sought by the plaintiff in the absence of present adequate access from the public way to each of the plaintiff's lots. It is not enough that the plaintiff proposes to regrade the land in a manner satisfactory to the DPW and that the DPW may respond by removing the guardrail. In an analogous situation, the Appeals Court upheld the refusal of a planning board to issue an "approval not required" endorsement where the public way shown on the plan did not yet exist, even though the town had taken the land for future construction of a public street. The Appeals Court concluded that public ways must in fact exist on the ground to satisfy the adequate access standard of c 41, Section 81M. Perry v. Planning Board of Nantucket supra at 146, 150-151. While Perry dealt with nonexistent public ways and this case deals with nonexistent ways of access, the principle is the same. There should be no endorsement in the absence of existing ways of access.

The Planning Board subdivision rules and regulations (Section 3.3.2 of the Rules and Regulations adopted on April 26, 2005) contain specific rules for evaluating the adequacy of access from an abutting way to the buildable portion of a lot. The rules state:

The Board shall determine whether vital, direct, practical and traversable access to municipal services exists from the abutting way to the buildable portion of a lot. The access shall be safe and convenient for travel. Where access is illusory due to the existence of steep grades, or other physical barriers, constraints or impediments, the Board shall not consider the lot as having sufficient frontage to allow a division of land without approval under the Subdivision Control Law.

Attorney Kenney further argues that the access issue is addressed via the agreement to obtain an easement across the Giovanella property. First of all, as stated in the above-quoted court case, access must exist at the time the plan is presented for ANR endorsement. The proposed access does not presently exist on the ground; there is only an agreement to create one. Part of the agreement calls for the wood from the hardwood trees to be cut down to clear the access across the Giovanella property to the Curatola property.

Second, the proposed access is a 12.5' wide easement that would connect to a 25' easement that provides access to Fisher Street and that already serves four houses. The proposed agreement would extend that to six houses. Section 3.3.1 of the Planning Board rules and regulations pertaining to evaluating ANR plans sets a standard for road width of 18 feet. Furthermore, for actual subdivisions, the rules allow a width of 18 feet only for a private road that serves no more than lots. Furthermore, dead end streets are limited to 600 feet. The existing easement to the

Giovanella property is already more than 700 feet long. Extending it to the edge of the Curatola property would extend it to about 1300 feet to the first lot and to about 1500 feet to the second lot (which would run through another easement across the first lot).

Third, the Planning Board rules and regulations (Section 3.3.2) require that the access be from “an abutting way.” Fisher Street is not an abutting way to the subject property. Furthermore, while an agreement with Giovanella for an access through her property has been presented, it is not clear that she has sole authority to grant access to the existing 25’ easement to Fisher Street to 2 additional lots. No documentation has been presented that Mr. Curatola has rights to use that existing easement.

I wish to make one final point. Attorney Kenney cites Corcoran v. Planning Board of Sudbury for its ruling that the existence of wetlands and the need for approvals from another board is not justification for denying ANR endorsement. While the existence of the guardrail makes the issue moot, it should be noted that a subsequent Appeals Court case, Gates v. Planning Board of Dighton, involved a property with significant wetlands at the front of the property and would have required a 2000’ bridge to access the buildable portion of the property. Instead the applicant proposed extending a private way to access the lots. The private way did not conform to width, subbase, drainage or sidewalk requirements of the Planning Board rules and regulations. The court ruled

“The adequacy of such a road system, as prescribed by the rules and regulations of the planning board is precisely what the subdivision control law is about. As in the Gifford case, the plan proffered is ‘an attempted evasion of the duty to comply with the regulations of the planning board.’ We think the character of the Chase Street extension and the east-west spur is distinct from that of the common driveway commented upon tolerantly in Fox v. Planning Board of Milton. . . a case in which access from the public way was, in any event, attainable.”

The court ruled that the Planning Board acted within its authority in denying the ANR endorsement.

**ATTACHMENT to Minutes of 12/9/08 Planning Board Meeting**

**From:** Barbara Saint Andre [bsaintandre@petrinilaw.com]  
**Sent:** Wednesday, November 26, 2008 4:26 PM  
**To:** Susan Affleck-Childs  
**Cc:** Suzanne Kennedy  
**Subject:** Barberry Homes v. Planning Board

CONFIDENTIAL NOT A PUBLIC RECORD

ATTORNEY CLIENT PRIVILEGE

RELATES TO PENDING LITIGATION

Hi, Susy, I received a telephone call from plaintiff's attorney in this case. He stated that his client wanted to convey to the Planning Board that it would be willing to agree to make the contribution to the senior center if the Planning Board were to recommend to Town Meeting an amendment to the ARCPUD bylaw eliminating the requirement to provide 10% affordable housing, and if Town Meeting were to adopt the amendment. I told him that it seemed counter to the state and town policy favoring the construction of affordable housing, but that I would pass along the offer. The Board should take this up at its next meeting in executive session. I don't think I need to be there, but if you want me there I can certainly attend.

Have a happy Thanksgiving!

Barbara J. Saint André

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**December 22, 2008**  
**Medway Planning & Economic Development Board Meeting**  
**SPECIAL MEETING**

LOCATION: Sanford Hall, 155 Village Street, Medway, MA

PRESENT: Bob Tucker, Andy Rodenhiser, Tom Gay, Chan Rogers, John Williams, Karyl Spiller-Walsh

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant  
Gino Carlucci, PGC Associates  
Barbara Saint Andre, Petrini and Associates (Town Counsel)  
Aaron Wasserman, Milford Daily News

The meeting was called to order at 7:03 p.m. by Chairman Rodenhiser.

**CITIZEN COMMENTS** - None

**Review of Meeting Minutes**

A motion was made by Bob Tucker, seconded by Chan Rogers to approve the minutes of the July 22, 2008 meeting. The motion was approved.

A motion was made by Bob Tucker, seconded by Chan Rogers to approve the minutes of the August 5, 2008 meeting. The motion was approved. Karyl Spiller-Walsh abstained from voting as she did not attend that meeting.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to approve the minutes of the December 9, 2008 meeting. The motion was approved. Tom Gay abstained from voting as he did not attend that meeting.

**Committee Reports**

Tom Gay – I had a conversation with the engineer (Rick Merrikin) for Swenson Granite re: site plan completion. His claim at the moment is that the car dealer out front has moved onto part of Swenson's green space. I said there are two solutions: give me a survey that shows me where their pavement has crossed the line, or move the pallets 4 feet off the grass. His stance is that in the design the pallets are not exceeding where they were. I told him it doesn't look that way.

Bob Tucker – When we had discussion with him. I made it painfully clear that we expected it to be taken off the grass and onto the gravel.

Tom Gay – I told him that was the most simple way to handle it. From an observer's point of view – from pavement of car dealer to where the pallets are does not satisfy the idea of what it is supposed to be. If they have a dispute with an adjacent owner, that is up to them to pursue

Karyl Spiller-Walsh – The amount of pallets has probably quintupled.

Tom Gay – You can easily see the edge of the gravel, and can easily see there is storage on the grass.

Karyl Spiller-Walsh – We asked them if they would buffer that. There was a lot of discussion about buffering.

Tom Gay – It looks like it is closer because it is, but it still does not satisfy the distance requirement. Rick Merrikin said he would discuss this with Swenson Granite.

Andy Rodenhiser – We can't grant relief to the ZBA's decision.

### **Birch Hill Subdivision – Discussion re: subdivision bond**

Barbara Saint Andre – Town Counsel

Ellen Rosenfeld - Owner

Mark Rosenfeld - Developer

Andy Rodenhiser – We first sought an opinion on the legitimacy of the bond. There seems to be a continuing issue about whether or not the town can, in fact, after the acceptance of the work, hold bond money after that until street acceptance for legal work that needs to be done and if it is in an acceptable manner to accept at town. Those are perceptions as to why we feel we hold the bond money, so it can be accepted at town meeting, so it is a surety to make sure the developer makes it repairs at the end of winter.

She (Ellen Rosenfeld) raises a point, what if town meeting doesn't accept the streets? At what point do we give back the money if town meeting refuses to accept it?

Barbara Saint Andre – First, General Laws 81Q specifies what you can put in your regulations and it includes maintenance. It is not at all unusual for towns to include maintenance in the bonds. The issue is whether you can hold a bond till town meeting and subject the refund of a bond to a condition beyond the control of the applicant (town meeting approval). They can control repair, maintenance, etc. but not whether town meeting will approve. One way to approach it is to hold it until a certain amount of time, until there are no hidden issues and that is provided for in 81Q. That is what your regs do. But you may want to look at your regs and be a bit more precise, and tie it to the condition of roads and not to actual street acceptance. You don't want the road to be built and have nobody taking care of it. Otherwise this great road is not going to look great. What you really need to zero in on is a way to make sure that the roads are maintained.

Andy Rodenhiser – Let's say this is August and we are approaching a fall town meeting, and she has everything completed and it is on the warrant for a November town meeting. The town might accept it in the condition it is in at the time.

Barbara Saint Andre – You also have to acquire the land within 120 days or the street acceptance vote is no good.

Andy Rodenhiser – So assuming we did all this in that time frame, and a week later we did accept it, then we could refund their money.

Barbara Saint Andre – Once it is accepted, and you have the deed, then the it is the Town's job to maintain.

Andy Rodenhiser - In this instance we are several months before town meeting, even if Mark Rosenfeld said it was perfect.

Ellen Rosenfeld – I don't agree there is a maintenance provision in 81U. The work is done. Right now, today, the work is done. I don't care if you accept it. I will worry about acceptance later. I will call you in March.

Andy Rodenhiser – We believe it is in our right to not give you back the bond money until the road is accepted. Barbara is suggesting we should change our rules and regs.

Barbara Saint Andre – Keep in mind, there is another issue. Under 81Q there is no grandfathering of subdivision rules and regs. When you submit a plan you are subject to the rules and regs in effect when the plan was submitted. There was a modification when the rules and regs were different, and there was no waiver sought. You can't come back eight years later and say we don't like the rules and regs.

Ellen Rosenfeld – It is an illegal regulation. I can come back and challenge. The judge will throw out your regulation. He will never even get to the point of considering the regulation. Now she (town counsel) is talking about changing your regs. That is what I am hearing. Let me ask your counsel.

Barbara Saint Andre – I am not going to be cross examined.

Ellen Rosenfeld – Can you tell me where in 81Q?

Andy Rodenhiser – Are we on firm ground here?

Barbara Saint Andre – If you want me to give you an opinion on threatened litigation, we need to go into executive session.

Chan Rogers – I think we feel we can require a bond until street acceptance. If it was to be delayed, then I think we could consider releasing it. I think there are enough votes on the board to require the bond. The amount of the bond may be subject to change, but the action to require a bond, is that what the issue is right now?

Andy Rodenhiser – Right now there has been a statement made by Barbara Saint Andre thinking that there is more information we need to discuss and to go into executive session. I would respectfully request we pursue that. What does the board feel? Do you want to go into executive session?

Chan Rogers – I move we require a bond on Birch Hill to be in place until it is accepted. I am not going to say the amount until the discussion. The bond can't be very high. The question of whether we can do a bond is settled.

Andy Rodenhiser – I would like to hear what counsel says.

Ellen Rosenfeld – I have not wanted to make a big deal about this. All I have wanted is an explanation as to under what authority Medway can hold a \$25,000 minimum bond amount until street acceptance. If you can convince me that you have that authority, I will . . . .

Mark Rosenfeld – Barbara Saint Andre says it is clearly in there.

Ellen Rosenfeld – I am not convinced.

Chan Rogers – I don't think we have to convince you.

Andy Rodenhiser – Barbara Saint Andre is here to protect the Town's interest. I would like somebody to make a motion to either second Chan Rogers's motion or do a motion for executive session.

Bob Tucker – Those rules were already set forth in how we operate, so I would withhold seconding Chan Rogers's motion. I think we do need to hear what Barbra has to inform us on. I think it would be very useful. It is a question on how much is needed in terms of an attempt at town meeting. There are a number of actions we need to look at closely. We can discuss those during the second part of our meeting on goals.

NOTE – There was no second to Chan Roger's motion. It fails.

A motion was made by Bob Tucker motions to go into executive session for purpose of discussing strategy with respect to litigation.

Karyl Spiller-Walsh – I don't know if Tom Gay who wasn't here last time (at the last meeting) was apprised of the length of time that the project has gone on, and the difficulties of it. What I am suggesting is that he be apprised of what her offer was and some of the details of the communications that we were talking about at that point. Let him take this all in. Tom Gay may not be aware of the negotiation.

Andy Rodenhiser – She was telling us what she was going to do.

Karyl Spiller-Walsh – I heard it as a suggestion.

Ellen Rosenfeld – I was making a lot of offers. I am confident that I will go in and have this regulation get wiped off the books. I don't want you (the Town) to spend money either.

Andy Rodenhiser – I don't feel we have sufficient legal knowledge. Chan Rogers feels we are OK without legal counsel.

Karyl Spiller-Walsh – I am with Chan Rogers.



Andy Rodenhiser – Tom, do you feel sufficiently up to speed with what she had said.

Tom Gay – No, I don't understand the context.

Andy Rodenhiser – She said I want x dollars back because she has to pay her paving guy and we could keep \$10,000, and she wanted the balance back (\$15,000).

Tom Gay – And the time before that, when this had all started, we had agreed to reduce the bond to \$25,000 (down from \$35,000).

Andy Rodenhiser – Yes. We thought that amount was fair, and there was a subsequent discussion the week you weren't here that was promulgated in terms of her offer. We got an opinion back, and I feel it might be wise to go into executive session. Is there a motion so support that? And it would be our intent to come back to public session.

A motion was made by Bob Tucker, seconded by Tom Gay to go into executive session for the purpose of discussion pending litigation, and to return to public session.

#### **Roll Call Vote**

Tom Gay- yes  
Chan Rogers – no  
Andy Rodenhiser – yes  
Bob Tucker – yes  
Karyl Spiller-Walsh – no

The motion carries. The Board goes into executive session.

Ellen Rosenfeld, Mark Rosenfeld and Aaron Wassermann leave the room at 7:34 pm.

Turned off video tape.

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#### **8:15 p.m. Return to PUBLIC SESSION**

Tape goes back into the machine.

Andy Rodenhiser - On the Medway Planning Board and Fees schedule, Susy is meeting with the MUNIS folks and it would be helpful if we could update our fees before going live.

Tom Gay – I would still like to spend some time on this. Let's discuss in goals.

Susy Affleck-Childs – I would just like to make a few quick changes, short term.

Note – Circulate fee info to FinCom, BOS, Revenue Enhancement Committee

#### **PB Goals Discussion**

3 handouts

1. December 2006 Goals and Objectives
2. List of Possible PB activities
3. List of Possible Zoning Bylaw articles

Andy Rodenhiser – We need to have public hearings to change rules and regs. How about if we ask Susy to prepare a hit list of changes that need to be made and identify who else needs to be invited to participate – for instance developers/residents/businesses -

### **Rules and Regs**

Susy Affleck-Childs – Focus on 43D rules and regs. We need some outreach to those various boards to get comments back.

Gino Carlucci – ConCom did give some feedback; they said they would like to look at it again. I consider it closed with them.

Andy Rodenhiser – Could you make a call to them to make sure? Then email Joe Musmanno and ask for any last comments from the ZBA. What about Water and Sewer? Work through Suzanne- they have a consultant working with them on stuff.

Gino Carlucci – I will check with them.

Karyl Spiller-Walsh – I have some suggestions along the way – I thought I would prepare a little page of bullets – like low impact development stuff – I have a lot of trouble with rip rap . . . some things I think we can tweak quickly.

### **ZONING stuff**

Bob Tucker – I want to move on changes to adult entertainment zoning.

Andy Rodenhiser – Route 126 zoning, possibly from Milford Street south to the Bellingham line.

Bob Tucker – Is that something we can achieve between now and town meeting time? There is a lot of work to do.

Andy Rodenhiser – A lot of outreach.

Bob Tucker – There are a lot of items on this list, but not for the 2009 town meeting

Andy Rodenhiser – What about a simple expansion of Commercial V? Maybe we should talk about that in the context of the whole Bellingham/Medway area study project with MAPC.

Gino Carlucci – I know there are a lot of wetlands along Summer Street, but there is good dry land near the power plant.

Andy - List of contaminated properties. Let's provide that to PB members. Our summer intern did some research this summer. Let's review. Who are the property owners? There might be some brownfield monies we could possibly look at.

Neighborhood conservation districts – what is this?

John Williams – I would like to revisit the OSRD formula. I could draft something that reports on what other towns do. I am willing to put in the work.

Karyl Spiller-Walsh – What were you thinking?

John Williams – What do other towns have for regs? Come up with some recommendations for an improved formula.

Karyl Spiller-Walsh – How? What deficiency do you feel we have?

John Williams – My personal feeling – I think we need a minimum size requirement so we don't fall into the same thing with the West Street property. There are towns where the PB decides whether to pursue it as an OSRD vs. a conventional. Here we leave it up to the discretion. There are other things out there that I would like to explore more fully.

Gino Carlucci – One thought . . I think it might be published by now. UMass Amherst did a study of all the OSRDS in the state and I have a copy of the spreadsheet that they did. It is pretty involved, and there are a lot of acronyms. That might be very helpful. It lists the ones where the towns require double submittals.

Karyl Spiller-Walsh – Could you make some copies for the Open Space Committee?

Andy Rodenhiser – Send it to Susy Affleck-Childs, then she can send it along.

Note – Susy to send John Williams the MAPC handbook on OSRD.

NOTE - 8:50 p.m. Barbara Saint Andre returns to the room.

Barbara Saint Andre – I think we need to discuss this matter some more.

A motion was made by Karyl Spiller-Walsh, seconded by Bob Tucker to go into executive session to discuss pending litigation and to return to the regular meeting.

### **Roll Call Vote**

Karyl Spiller-Walsh – yes  
Bob Tucker - yes  
Andy Rodenhiser – yes  
Tom Gay – yes  
Chan Rogers – yes

The motion is approved.

8:52 pm Move to Executive Session

9:15 pm - Reconvene in regular session. Put tape back into the recorder –

### **Back to Zoning Discussion**

Karyl Spiller-Walsh – Could we also get some zoning ideas, on the infill housing? Could that be something that could be looked at?

Susy Affleck-Childs – The Affordable Housing Committee is very interested in this idea and wants to work on it.

John Williams – Some of the towns specifically address the duplexes.

Andy Rodenhiser – Infill is not the same as an OSRD. Do we have an inventory of undersized lots?

Karyl Spiller-Walsh – There could be a tradeoff for additional open spaces. Could there be an open spaced tradeoff?

Gino Carlucci – In Lincoln they allow accessory apartments, and they will also allow a second accessory apartment, but only if there are two acres of open space.

Karyl Spiller-Walsh – It needs to go the other way too.

John Williams – I can see that provision making the rich richer and the poor, poorer.

Karyl Spiller-Walsh – I am saying additional housing for infill in tradeoff for open space.

John Williams – Isn't infill just open property that isn't being used? What would be gained?

Andy Rodenhiser – Infill is for vacant pieces of land with nothing on it.

Karyl Spiller-Walsh – Allow a two family for 2 acres of conservation in another part of town.

John Williams – No.

Bob Tucker – Can you tell me this would apply in more than one area?

Andy Rodenhiser – Let's table this discussion for now.

### **NOTE - Ellen & Mark Rosenfeld and Barbara Saint Andre return to the meeting.**

Barbara Saint Andre – The applicant is before the Board asking for release of subdivision bond. I believe the applicant has some plans to submit at this point.

Ellen Rosenfeld – I have the street acceptance plans for you, the as-builts will be ready at the end of the week.

Barbara Saint Andre – There is still some amount of bond that needs to be retained by the Board. We have discussed the idea of entering into a new bond agreement that would clearly set forth all the roles and responsibilities with respect to the remaining bond amount. The issue now is what the amount would be, and I know there have been a number of estimates that have been discussed. I believe she is willing to reach some sort of compromise. And the other issue is the consultant fee. Susy sent a letter asking for consultant fees to be increased to \$7,605.00. She may be willing to do that as well. As a result of that, she may be willing to not pursue litigation.

Bob Tucker – In this agreement it would also spell out when the bond money would be returned, whether it is keyed to street acceptance.

Barbara Saint Andre – We would cover all that in the bond agreement so it is clear from this point forward.

Andy Rodenhiser – At some point tonight we may take some action pending a mutually agreeable agreement.

Ellen Rosenfeld – I propose \$10,000 in surety account and that I increase the operating account (consultant services) to \$8,805 and we go until the end of May. I will do due diligence to do everything relating to street acceptance, but the bond return is no dependent on street acceptance.

Andy Rodenhiser – Under a circumstance where one person holds out, the town would have everything else done, and we would have to pursue that for eminent domain, all of those fees we wouldn't have to touch because you would be doing all that work. Expense would be for town counsel to review your work. If we have to do a taking, it would have to come out of the money.

Ellen Rosenfeld – If there is one holdout and this holdout won't budge, would it come out of the legal fee?

Andy Rodenhiser – Yes.

Andy Rodenhiser – That is what I am confirming. We intend to be fair. I think the relief is fair.

Ellen Rosenfeld – I agree.

Andy Rodenhiser – Is the board okay?

Karyl Spiller-Walsh – Yes.

Chan Rogers – Yes.

Andy Rodenhiser – It (an agreement) would still have to come back to us to be ratified.

Barbara Saint Andre – It has to be signed by the Board.

NOTE - January 13th is the next PB meeting.

Andy Rodenhiser - Does this need to be voted on or can we just sign it?

Barbara Saint Andre – Today we are discussing request for release of the bond money. If you are and assuming amount to put in the consultant account, it will be my job to come up with a subdivision bond agreement. I can do that within a couple of days.

Andy Rodenhiser – Can we vote that now to empower you to draft and then we can just come in and sign it?

Barbara Saint Andre – As long as you agree tonight and vote tonight. It would be a vote to reduce the bond and enter into a new chapter 81U bond agreement which will set forth what was enunciated by Ellen Rosenfeld.

Motion by Chan Rogers – to reduce the bond to \$10,000 – and increase consultant fee to \$8805 –  
Seconded by Bob Tucker  
All yes

Ellen Rosenfeld – I will bring you a check this week.

Andy Rodenhiser – I would like us to begin the process that upon signature of the agreement to move the money that we authorize Susy Affleck-Childs to proceed with the bond reduction paperwork.

Andy Rodenhiser – This is an unusual circumstance with the age of the project and the change in the regulations.

Barbara Saint Andre – You have a list of the items of that are still outstanding?

Ellen Rosenfeld – Yes.

Susy Affleck-Childs – We understand that the applicant has agreed to not pursue litigation.

Barbara Saint Andre – This is an old subdivision that predates the rules and regs.

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Andy Rodenhiser – How late do you want to go?

AGREED - Let's call it a night.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to adjourn. APPROVED.

The meeting was adjourned at 9:42 pm.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant