

**Town of Medway
Zoning Board of Appeals Meeting
School Committee Presentation Room
Medway Middle School
45 Holliston St, Medway MA**

MINUTES OF MEETING

April 5, 2017

Present: Chairman David Cole; Clerk Carol Gould; Committee Members: Eric Arbeene, William Kennedy; Associate Member Rori Stumpf.

Also present: Mackenzie Leahy, Administrative Assistant, Community & Economic Development

Chairman Cole called the meeting to order at 7:36 PM.

Sean Reardon, Tetra Tech, Peer Review Consultant; Ezra Glenn, Consultant

Citizen Comments:

There were no members of the public that wished to make comments on items other than those already on the agenda.

Any other business that may properly come before the Board:

None.

Correspondence:

None.

Approval of Minutes:

There were no minutes yet prepared for approval.

Upcoming Meetings:

No further discussion.

Public Hearings:

7:35 P.M. – The Applicant, Asphalt Engineering LLC & Farm St. Property Management, seeks Variances from Section 5.4 Table 1 Section E to allow for a “Contractor’s Yard,” although not allowed in I-III, it is allowed in other industrial zones; and to allow for the accessory “Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premise,” where the future building and business is on the adjoining Bellingham Parcel, although all is shown as one lot on one deed, with respect to property located at 0-R Granite Street.

The Board was in receipt of the following documents:

1. Application received and stamped by the Town Clerk on March 13, 2017
2. Addendum #1 (General requirements addressed for Variance Application), submitted on March 13, 2017
3. Addendum #2 (Description of Land Use and ZBL requirements being met), submitted on March 13, 2017
4. Sound Study Report from Tech Environmental, submitted on March 13, 2017
5. Sage Environmental Letter regarding Gravel Material, submitted on March 13, 2017
6. O-R Granite Street Site Plan, Sheet 4 of 5, dated 01/18/17, prepared by Allen Engineering, LLC of 2 Willowbrook Lane, Mendon, MA, 01756; showing the Medway Portion of the Medway/Bellingham Split Lot, submitted on March 13, 2017
7. Aerial Imagery of Lot Showing Proposed Storage Area, prepared by Allen Engineering, LLC of 2 Willowbrook Lane, Mendon, MA, 01756, submitted on March 13, 2017
8. Comments from Medway Fire Chief, received on March 27, 2017
9. Abutter Comments from Conroy Development, 51 Alder Street, received on March 28, 2017
10. Applicant Response to Abutter Comments from Conroy Development, Two Parts: Email and Aerial Imagery, received on March 28, 2017
11. Comments from Medway Conservation Agent, received March 30, 2017
12. Applicant Email to Abutter Conroy Development, received April 3, 2017 and April 5, 2017
13. Revised O-R Granite Street Site Plan, Sheet 4 of 5, dated 01/18/17, revised 04/04/17, prepared by Allen Engineering, LLC of 2 Willowbrook Lane, Mendon, MA, 01756; showing the Medway Portion of the Medway/Bellingham Split Lot, submitted on April 4, 2017
14. Staff Report from Community and Economic Development Department, dated April 5, 2017

The Applicant, Asphalt Engineering LLC, c/o Farm St. Property Management, was represented by Jim Roberti, Attorney to Erin Landry-Moreland and Nathan Moreland. Ms. Landry-Moreland and Mr. Moreland, of Asphalt Engineering and Farm St. Property Management, also appeared before the Board to discuss the request for Use Variances from Section 5.4 Table 1 Section E to allow for a "Contractor's Yard," although not allowed in I-III, it is allowed in other industrial zones; and to allow for the accessory "Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premise," where the future building and business is to be on the adjoining Bellingham Parcel, although all is shown as one lot on one deed, with respect to property located at O-R Granite Street, Parcel ID 74-001. The Applicant and representatives came before the Board on April 5, 2017 at 7:35 pm.

Ms. Landry-Moreland stated that the parcel had been purchased in August of 2016 and before purchasing the parcel, the Applicant had met with the Town of Bellingham to express what they were looking to do on-site and had felt that it was going to be a good fit for their projects and moved forward with purchasing the land. The Applicant has been working with both the Conservation Commission and Planning Board in Bellingham; the Planning Board indicated that they wanted the Applicant to have a Variance approved from the Medway Zoning Board of Appeals before finalizing the approval for what they are looking to do in Bellingham, for both access to

the back parcel of the lot, and the bulk storage permit they are applying for with the Bellingham portion of the lot. Starting in the fall, they would be building the new office location, as well as a bay.

Ms. Landry-Moreland stated that they were looking to store the reprocessed gravel material on Medway land and then remove the material. There would be one bobcat that would be used to load and unload trucks periodically and all access to the site itself will be through the Bellingham portion of the lot. The applicant had conducted a sound study and expanded the scope to include the Medway Parcel when they realized they needed to use the parcel for their business operations and wanted to address any neighbor concerns regarding disturbance. The study concluded that the performance standards for noise were met as set forth under Section 7.3 of the Medway Zoning Bylaw. There was one neighbor who submitted written comments about their concerns. Ms. Landry-Moreland stated that she reached out multiple times, to whom she believed was a manager of Conroy Development, through email and calls; the manager had just responded to her stating that he would need to talk to his boss. She had asked the manager if he would like to sit down with her and she hadn't heard back in that regard, so she did not feel it was a major concern; in the email she did indicate that Conroy Development was two hundred (200) feet from Interstate 495 and eight hundred (800) feet from the applicant's proposed use, with power lines and wetlands in between. Even at a 45 decibel limit, Conroy Development will not hear anything.

Ms. Landry-Moreland stated that they were looking for this variance in order to ultimately move their business, in its entirety to 190 Farm Street, Bellingham and O-R Granite Street, Medway. The applicant's business, Asphalt Engineering, had been in Bellingham for thirteen (13) years; they have a very good reputation and would like to be in the area for a long time.

Mr. Roberti stated as for shape, topography and soil conditions, the lot is split between two towns, but all the frontage is located in Bellingham. The lot is oddly shaped; the Medway portion is completely landlocked, so the parcel is not useful unless used in conjunction with the Bellingham parcel. The applicant has been through extensive conversations with the Bellingham Conservation Commission and the Medway Conservation Agent. From what Mr. Roberti understood, the applicant had filed a request for an Order of Conditions with Bellingham, but they would not be filing with Medway because the operations would be completely outside of the Conservation Jurisdiction in Medway; which had been confirmed by the Conservation Agent and also through a site walk. There are a lot of wetlands on the Bellingham portion of the lot, leaving less room for storage on that portion, which is a key part of the applicant's operations so the reprocessed gravel must be on the Medway Parcel.

Mr. Roberti stated that the Medway Parcel is not usable except in attachment with the Bellingham Parcel/portion of the Lot because it is land locked; the Medway Parcel cannot be used for anything else; and those are circumstances which are different than for other properties in the area. Mr. Roberti stated that Bellingham Parcel is located in an Industrial Zone; all that is required in Bellingham is to go through the Special Permit process for Bulk Storage. For Medway, the Parcel is located in the Industrial III District. The Bellingham Parcel is going to be used as a Contractor's Yard with a building out-front with parking and the trucks will be kept there. A Contractor's Yard is an allowed use in Bellingham with the Special Permit process, however, in Medway, the used is not allowed as of right, but it is allowed under a Use Variance which the applicant was applying for that evening. The topography and the wetlands constrain the Bellingham Parcel so that the storage of gravel must be on the Medway Parcel. A hardship would occur if storage wasn't allowed on the Medway Parcel, since the Bellingham Parcel would not be able to store all the vehicles and then as a result, the Bellingham Parcel would not be able to support the project. Without the Medway Variance and the Medway Parcel, the business would not be able to

operate; it is a unified project. A Variance from Medway would need to be issued in conjunction with a Special Permit from Bellingham; the applicant was meeting with the Bellingham Conservation Commission on April 12, 2017 and the Bellingham Planning Board again on April 13, 2017. The Bellingham portion of the Lot cannot be used on its own and the Medway portion of the Lot is needed for the storage of gravel. If the Medway Parcel is deemed unusable the applicant would suffer financial hardship in that in the Medway Parcel is unusable, it makes the whole project not viable. The applicant needs to view both the Medway Parcel and the Bellingham Parcel as a single Lot, which is how it was purchased in the Deed.

Mr. Roberti stated that Use Variances are allowed in Medway that are compatible to the zoning district. The same use, being the request for a Use Variance for a Contractor's Yard, is allowed by Special Permit in Bellingham. The Contractor's Yard would be primarily located in Bellingham, along with the building and trucks. The Medway portion of the Lot would be used strictly for gravel.

Ms. Landry-Moreland stated that a truck might be idling on the Medway portion of the lot, mostly for the sound study, with the unloading and loading of a vehicle to and from the bobcat, but the applicant wouldn't be parking vehicles on the Medway portion of the lot, again vehicles may idle while loading.

Mr. Roberti stated that the Outdoor Storage and Parking of Vehicles (in association with a business operation in a building on the premises) is an allowed accessory use in Medway; if you take the Bellingham Parcel and Medway Parcel and look at the lot as one premises, using the definition of a Premises, which is a lot together with all buildings and structures, Bellingham and Medway is one lot. The use of the Medway parcel as an accessory to the Bellingham parcel does not derogate from the purpose or intent of Medway Zoning Bylaw. A lot is defined in Medway as a single area of land in one ownership defined by bounds or boundary lines in a recorded deed; the applicant's deed include both the Medway and Bellingham portions of the lot; the applicant feels that all of the land is one lot. The applicant intends to use the Medway portion of the lot only for the outdoor storage of materials associated with the business that will be operating in a building operated on the Bellingham portion of the lot, consistent with the definitions of lot and premises in Medway.

Mr. Roberti also stated that the use of the lot as a Contractor's Yard should be looked at unitarily.

Chairman Cole asked for clarification on the applicant's argument. Mackenzie Leahy, Administrative Assistant of the Community and Economic Development Department, clarified that the accessory use for outdoor storage is a by-right use, but only in conjunction with an existing business operating in a building on the premises. The applicant did not currently have an existing building on the premises.

Mr. Roberti also reiterated that the applicant does not have an existing building so the use isn't by-right currently. Ms. Landry-Moreland stated that the Bellingham Planning Board had wanted the applicant to obtain a variance from the Medway Zoning Board of Appeals prior to issuance of a permit in Bellingham. Mr. Roberti stated that Bellingham does not want to permit the applicant for a gravel operation and storage of materials without a building. The condition that the applicant would be facing in Bellingham would be that within five or six months, the applicant would have a building designed and approved and under construction.

Chairman Cole stated that one of the factors in granting a variance is the effect of the proposed use on the neighbors. He stated that it wasn't clear where the actual neighbors were or what they, the neighbors, were doing, operations or use. Mr. Roberti provided a topographic image showing some of the neighbors at a distance

of eight hundred (800) feet, as determined by the applicant's engineer. Ms. Leahy stated that the neighbors are also referenced in the sound study; the maps show the abutting properties and house locations.

Mr. Stumpf said it appeared there was a residence on the east side of the lot and asked how far away that residence was. Mr. Moreland stated that the house was quite a few hundred, if not a thousand (1000) feet away. Ms. Landry-Moreland stated that the receptor location for 8 Granite Street, as an example, was under the maximum sound limit (in decibels).

Chairman Cole stated that he wanted to know where the neighbors were and what they do – business or residence. Ms. Landry-Moreland stated that there is a commercial neighbor, Verizon, above the parcel, and neighbors far to the east on Granite Street. Ms. Landry-Moreland stated that there is a business across the street in Bellingham. Mr. Roberti stated that there is a large amount of wooded area around the Medway parcel. Ms. Landry-Moreland stated that there are power lines behind the parcel as well. Chairman Cole also noted the proximity to Interstate 495. Ms. Landry-Moreland noted that the neighbor to the west of the lot ran a sawing operation.

Ms. Landry-Moreland noted that the abutters were notified both within Medway and Bellingham to be on the safe side.

Mr. Stumpf noted the residential abutter at 42 Granite Street, and that from the proposed storage pile, the residence appeared equidistant to the distance for 51 Alder Street, which was about eight hundred (800) feet.

Mr. Moreland stated that the maximum height the piles would be was thirty (30) feet. Ms. Landry-Moreland stated that the residence would not be able to see the piles because of the trees, wetlands, and power lines as buffering and screening.

Chairman Cole asked if the applicant still needed to have a discussion with the Medway Fire Department. Ms. Landry-Moreland stated that the Fire Chief had originally requested twenty (20) feet width for safety access, but after Ms. Leahy spoke to the Fire Chief again, he indicated that he would accept fifteen (15) feet. Ms. Landry-Moreland stated that they had no problem maintaining fifteen (15) feet as requested; and that the access would be something that would be maintained on a daily basis, Monday through Friday when the operators are onsite and there will always be a bobcat available if anything needs to be adjusted.

Ms. Landry-Moreland also noted the concern about the intersection from the Access Road to the gravel safety access path and said that the intersection could be adjusted for the turning radius of a safety vehicle.

Chairman Cole stated his concern for lack of access from Medway in the instance of an emergency. Mr. White stated that if a call was made, it would most likely be for the Bellingham address. Stephanie Mercandetti, Director of Community and Economic Development Department, noted that would be part of mutual-aid procedures amongst Fire Departments.

Mr. Stumpf asked if there was any processing on the Medway parcel. Mr. Moreland stated that there would not be processing on the Medway parcel. Chairman Cole asked if there was any crushing or grinding. Mr. Moreland stated that most of the asphalt goes back to the asphalt plant to be recycled, however, if there is any gravel in the mix, the plant can't recycle it. The applicant will bring the load back to the site and once a year they will bring in a crusher. They will use that as the base for driveways. The crushing would be on Bellingham land and then

storing in Medway. The applicant hires AF Amorello for the crushing, the professionals bring in their equipment and their operator and service it for a week. Ms. Landry-Moreland stated that AF Amorello services the applicant for about 5 days out of the year.

Chairman Cole stated there was a letter from Conservation Commission proposing a number of conditions. Ms. Landry-Moreland stated that their engineer had no issue with any of the proposed conditions and that the changes to the flags have already been indicated on the revised plan that the Board had.

Ms. Landry-Moreland also stated that there is a note for 6 wooden stakes to be placed at 75 foot intervals, which was suggested at the site visit, on the plans as well. They would act as a visual for maintaining the area for the reprocessed gravel pile.

Ms. Leahy stated in the second addendum, the applicant stated that the total pile would take up less than one (1) acre, approximately 0.9 acres. Ms. Leahy stated that she wanted to make sure that was the calculated area for the Medway portion of the pile. Ms. Landry-Moreland stated that was correct. Ms. Leahy noted that if the safety access was widened to fifteen (15) feet that pile area might be slightly reduced depending on the location of the stormwater systems.

Mr. White asked if there was a reason that wooden stakes were proposed. Ms. Leahy stated that she had proposed including permanent stakes as a suggestion for the Board so that the Board and Zoning Enforcement Officer would be able to recognize where the pile limits were. Mr. White suggested some sort of bollard might be more permanent, as well as markers in the instance that a stake was accidentally knocked down. Ms. Mercandetti reiterated, for clarification, that the markers were to designate the boundaries of the pile.

A motion to close the hearing was made by Mr. White, seconded by Mr. Arbeene and approved unanimously.

8:00 P.M. – The Applicant, Timber Crest LLC, seeks a Comprehensive Permit under MGL c. 40B, Sections 20-23 as amended, to allow construction of a 157 unit development to be called “Timber Crest Estates” containing 25% affordable units on 170.36 acres which is comprised of the properties located at 143 Holliston Street, 153R Holliston Street, 177A Holliston Street, 21R Fairway Lane, 13 Ohlson Circle, 102 Winthrop Street, 11 Woodland Road, OR Woodland Road, and 165 Holliston Street, Medway, MA. [Focus Area: Traffic & Safety Technical Items, Waivers, Board/Department Comments, Miscellaneous Outstanding Items]

The Board was in receipt of the following documents (some documents had been received for previous hearings, but were not discussed at the hearing and were re-supplied to the Board):

- Revised Plan Comments from Board of Health, received February 27, 2017
- Revised Plan Comments from Conservation Commission, received March 6, 2017
- Revised Plan Comments from Fire Department, received March 3, 2017
- Revised Plan Comments from Police Department, received March 5, 2017
- Revised Plan Comments from Fire Department, received March 27, 2017
- Revised Plan Comments from Design Review Committee, received March 15, 2017
- Response Letter to Tetra Tech Water, Sewer, Site Design Peer Review, Outback Engineering, received March 9, 2017

- Response Letter to Tetra Tech Wetlands Peer Review, Outback Engineering, received March 9, 2017
- Response Letter to Tetra Tech Stormwater Peer Review, Outback Engineering, received March 9, 2017
- Revised Kleinfelder Memo, received March 15, 2017
- Supplemental Sight Distance Analysis Holliston Street Site Drive, Green International, received March 16, 2017
- Revised Traffic Impact and Access Study Peer Review, Tetra Tech, received March 27, 2017
- Public Comments, Dave Dahlheimer, received April 3, 2017
- Public Comments, Charlie Myers, received March 29, 2017
- Public Comments, Kevin Healy, received March 1, 2017
- Public Comments, Cindy Maliniak, received March 2, 2017
- Timber Crest Recommendations, Project Plan Review and Comments, Community & Economic Development Staff, received April 5, 2017

Mounir Tayara, Applicant, Attorney Agostino, RIW, Paul Cusson, Dephic Associates, Jim Pavlik, Outback Engineering, and Bill Scully, Green International, were in attendance.

Mr. Reardon stated that the Town and its consultants had been working with the applicant's Traffic Engineer to sort out the disagreements for technical issues and appropriate mitigation. Tetra Tech feels that enough has been analyzed and that the mitigation package that the applicant is now asking for is adequate and that it is largely responsive to what peer review and the Board has asked for.

Attorney Agostino stated that there were many exchanges between the last meeting and the current to get to the technical point where the Board's peer review was satisfied. The primary issues was the intersection of Holliston St and the proposed site drive, the intersection of Holliston St and Fairway Lane, and the area between those two intersections on Holliston St; and additionally the amount of mitigation provided.

Attorney Agostino also stated that the second issue was the issue of water pressure, supply, and safety, which led to the applicant funding a study from Kleinfelder, which now included the updated modeling analysis, as the project is currently proposed. The phasing plan also addresses what will be needed to meet water demands for each phase.

Attorney Agostino stated that they had put their "best foot forward" in preparing a set conditions of approval for the Board, addressing issues and concerns that were made, which could be discussed.

Mr. Reardon stated that back in November 2016, Tetra Tech had a long comment letter with outstanding issues and since then the applicant, [the Board,] and peer review has worked hard to iron out most of those issues. Mr. Reardon stated that the primary issues that needed to be addressed were safety issues. He stated that in most subdivisions, they need to focus on capacity, but the good news in this case was that there was ample capacity, from a traffic standpoint and congestion standpoint. Ninety-five percent (95%) of the peer review and applicant's efforts, once getting past validation of traffic numbers and signal performance, and intersection performance, was safety, particularly with the speeds and sight distances.

Mr. Reardon stated that of particular concern was the intersection at Holliston St where there are known traffic issues including the extensive vertical curve at that location. The applicant and Mr. Reardon exchanged what would be a suitable level of design and mitigation at that location, and they now agree to the appropriate height to drop [re-grade] that location, which the applicant has proposed to include as part of a condition of approval,

there will be a final design that will need to also go through a final approval, including through DPS. What they have agreed upon are the foundational principles of how far that sight distance needs to be and how low that roadway needs to go. The AASHTO standards for the 85% speeds will be met for that intersection; the AASHTO speed was 35 mph and the applicant was designing to 41 mph, 6 mph higher than the standard. The applicant is now designing the intersection sight distances to meet the 35 mph. Mr. Reardon stated that reducing the curve on Holliston St not only improves the sight distances for the proposed intersection, but also improves the sight distances for the intersection at Fairway Lane.

Chairman Cole stated that one of the issues seemed to be the timing and that presumably those changes to Holliston St would need to be made prior to any occupancy; Attorney Agostino stated that there was a sequencing included in the conditions of approval that addressed that issue. Mr. Reardon stated that it would be Tetra Tech's recommendation that something be done to that intersection [at Holliston St] prior to any construction. Mr. Tayara stated that the applicant proposed as conditions to allow developing phase 1 [East] utilizing Fairway Lane, but prior to phase 2 [East], they would need to complete the proposed mitigation on Holliston St.

Mr. Stumpf asked if the applicant had looked at the impact on the residents and the ability to get in and out of their properties by re-grading the roadway. Mr. Tayara stated that they had, and that they had conducted a survey of that land rather than going off of historic data or GIS data; that all of the work would be completed within the Town Right of Way but there would be no out-of-pocket expenses for the residents [along that portion of the roadway to be re-graded]. There would be about 12 inches taken off the crest and the site drive would be raised slightly. Mr. Reardon stated that the standard would be to complete all re-grading and road widening within the Right of Way or else they would need easements or other measures that allowed them to complete their work. Mr. Stumpf stated that he was concerned with how the re-grading would look; Mr. Reardon stated that the total height change would be no more than 2 feet, but that all work would need to be completed within the Right of way and that no trespass was allowed without the residents' consent. All the roadway re-grading and runoff associated with it would need to be completed within the boundaries of the Town [road]. Mr. Reardon stated that this is a major roadway improvement and that the applicant would not be able to go out and start ripping up the road right away. There would need to be, probably, a 50% design submittal that would go for DPS review and then there would be a final design submittal where all of those details would need to be included, whether it's property lines, drainage, grading.

Mr. Stumpf asked if residents would be notified of those changes. Attorney Agostino stated that the final plans would go back before the Board and peer review for review and approval and that everyone would have a chance to look at the plans before any ground disturbance.

Mr. Glenn summarized that most of the major topics have been addressed through peer review or suggestions from other Boards and Departments and that the applicant can now look at those suggestions of what has been asked to be included as conditions and say whether or not those are possible. Ultimately, the decision will be up to the Board and not peer review or other departments, but that they should weigh those comments.

Attorney Agostino stated that as far as traffic and safety goes, they have incorporated everything that has been asked and they are willing to do everything that has been asked. Mr. Reardon stated that as far as traffic and safety goes, the technical basis to establish what is appropriate is sound. The detail still remains of how the mitigation is implemented.

Attorney Agostino stated that in terms of the development and mitigation that the Chairman was concerned about, there had already been a proposed condition that the construction would be completed prior to the first

certificate of occupancy, but that condition would be changed to “prior to the first building permit” to address his concerns. Attorney Agostino stated that they are willing to work on language like that.

Chairman Cole raised a point made by the Fire Chief’s most recent comment letter that stated, “The [Kleinfelder] report also suggests individual pumps be installed or one large pump to supply the entire area, as there is low pressure, I would urge that the pump serve the entire area and additionally be rated for fire service.” Attorney Agostino stated that this was more of a technical safety issue everything that was included in the Safety Officer and Fire Chief’s letter would be incorporated into the decision as conditions. Attorney Agostino stated that completed [the development and all changes to the Holliston St water main], there will be sufficient water flow and pressure and that the conditions of the surrounding neighborhoods will be the same or better, understanding that there are pre-existing conditions. He stated that as a condition, each home will have 35 psi.

Mr. Arbeene asked if the water main would be replaced prior to development; Attorney Agostino stated that was included in the phasing.

Ms. Mercandetti clarified that the Attorney Agostino was referencing a document which the Board has received but has not had time to review, she asked that Attorney Agostino reference the condition rather than a number in the document.

Mr. Glenn gave an example of how language from the Fire Chief’s letter would be re-worded to be included as a condition for the decision if the Board decided to eliminate the proposed condition from the applicant, and asked if that was the language that the applicant was using and if not, would the language be acceptable or would the language exceed the language of what the applicant had proposed. Mr. Tayara stated that the language would exceed what the applicant had proposed. Mr. Tayara stated that they felt they met the required fire flow and pressure and had proposed sprinklers and individual booster pumps when necessary. Mr. Glenn expressed to the Board that there was a distinction between what the applicant had proposed versus what the Boards and Departments proposed; that the Board would need to consider what the applicant had proposed versus what Town Officials suggest.

The Board expressed their concern about the location of the site entry roadway off of Fairway Lane and how close it was to the property line of 21 Fairway Lane and the Certified Vernal Pool. Attorney Agostino stated that the plans provided show that the design is feasible, that the Conservation Commission would have jurisdiction as to how the work is done near the wetlands, and that the Board has no authority to allow the applicant to cross private property.

Attorney Agostino stated that although the Board was not discussing the conditions, as proposed by the applicant, that evening, if the Board has questions, the applicant has thought of those along with the waivers needed to complete the project addressing issues they felt were brought up during the hearing process.

Public Comments

Rachel Walsh, abutter on Holliston Street, was concerned about the re-grading of the roadway on Holliston Street. Ms. Walsh stated that although Holliston Street is at a peak at the proposed site entry drive, the road is really like a valley compared to the surrounding properties.

Mr. Reardon stated that the removal of 12 inches off the crest is approximate at this stage. The primary objective is to meet sight distances and stopping distances, but the re-grading also needs to safely transition back to the existing driveways. If the applicant can't do that, they need to find a plan that extends into the abutters' property with an agreement, and if that can't be done, then they can't do the job. Mr. Reardon stated that the peer reviewer and the applicant has agreed on the criteria and condition of approval that they need to meet.

Karyl Spiller-Walsh, of 168 Holliston Street, stated that she was concerned with some of the proposed traffic mitigation, specifically the re-grading of the crest, as well as the flashing LED signs.

Mr. Reardon stated that there are needs that should be met for the general traffic population that have to balance with the needs of the abutters. Mr. Reardon stated that the rumble strips, and feedback signs that only flash when people are exceeding the speed limit are a great addition.

Mr. Scully stated that the applicant had provided a number of mitigation measures that the Safety Officer had already reviewed and approved. Mr. Reardon stated that the Town should trust the Safety Officer in coordinating with the applicant to determine which signs are necessary.

Lori MacKay, of 106 Winthrop Street, asked if there was any mitigation planned for the west side of the development. Mr. Reardon stated that he had asked the applicant to include speed return signs and a crosswalk to Stephanie Road for Winthrop Street.

Dan Strachan, of 11 Fairway Lane, asked if there was a minimum PSI for water pressure because the pressure at Fairway Lane is currently 32 PSI, which is very low. Mr. Reardon stated that there is, 35 PSI, but that he couldn't be certain that was the requirement when the development on Fairway Lane was built. Mr. Tayara stated that the Kleinfelder report showed that there would be no impact on the existing residents and that if anything the water pressure may increase after the replacement of the water main on Holliston Street and the looped connections within the development.

Charlie Myers, of 9 Curtis Lane, stated that he was concerned with the water pressure when Fire Hydrants are being used. Mr. Reardon stated that there were different requirements for fire-flow conditions.

Ms. Mercandetti asked if the Board wanted to move onto the waiver requests.

Attorney Agostino stated that many of the waiver requests were based on the 40B process and going before the ZBA, and many of the other waivers were needed in order to build the development according to the proposed plans.

Mr. Glenn stated that there were four basic categories: fees, information needed to make a decision, things that would happen after a project is permitted, and design standards. If the plan meets those standards, they don't need to be waived, and if they don't meet the design standards, then they should be waived. Mr. Glenn stated that the Board should focus on the Fees and the things needed after a project is permitted, like bonding and as-builts.

Attorney Agostino stated that there are fees for building affordable units, which traditionally boards are inclined to waive, and then fees for applying to other Boards which are presumed to be waived by nature of applying to the ZBA for a Comprehensive Permit. Attorney Agostino stated that the applicant has proposed language for performance guarantees and as-builts.

Ms. Mercandetti stated that staff has asked other departments if there has been past precedent of waiving the application fees. The Building Department has not past precedent of waiving those fees for affordable units; and similarly for the Department of Public Services and Conservation Commission. Mr. Glenn stated that it would be up to the applicant to determine if the local fees are going to make the project uneconomic. Ms. Leahy stated that the concern from the Town Departments was the time that it would take to review the project and the staff time needed. Ms. Mercandetti stated that it would be helpful if the applicant put together a cost estimate and what would be economic.

Chairman Cole was concerned about the number of waivers from the Conservation Commission's regulations and asked if the waivers should be deferred to the Conservation Commission. Ms. Leahy stated that the Conservation Commission stated that they were reserving their rights until the applicant went before the Commission. Attorney Agostino stated that they had proposed mitigation measures in response to requesting waivers from the local conservation regulations. The revised plan set from January 30, 2017 incorporates those proposed mitigation measures. The Conservation Commission still gets to review the project under the State Wetlands Protection Act.

Ms. Leahy stated that she understood that some of the waivers are needed to complete the proposed project according to the plans provided, but she was concerned with some of the other requests for waivers, related to the application process with the Conservation Commission and the information and items needed to apply to the Commission, including applying during proper growing season, soil conditions, wetlands replications, and regrowth. Ms. Leahy was primarily concerned that the applicant could apply to the Commission out of a growing season and the commission would have no right to delay or deny the application because the site couldn't be properly reviewed. Attorney Agostino stated that if there was a particular local concern that the applicant could address. Mr. White stated that his concern was that the project was going to take a number of years and should be reviewed more than once. Mr. Pavlik was concerned that the Conservation Commission could rescind its approval on the applicant. Ms. Leahy stated that was not her concern; she was concerned about the applicant applying to the Conservation Commission out of a growing season when there are a number of Vernal Pools that will need to be delineated. Mr. Pavlik stated that the applicant is asking for many of the waivers because there is similar language under the State Wetlands Protection Act.

Mr. White stated that he would like the applicant to take another look at the requested waivers again and what would really be necessary to complete the project and additional explanations for the requested waivers.

Attorney Agostino stated that the conservation Commission will have the ability under the State Wetlands Protection Act to include conditions in their process. Mr. Reardon stated that the applicant can appeal to DEP under the State WPA, but under the local regulations, the applicant wouldn't have the ability to appeal to DEP.

Mr. White stated that he had no issue with the request for a waiver for the percent grade of a driveway, unless the driveway was graded downwards towards the house. Ms. Mercandetti stated that the DPS shared that concern. Mr. Reardon stated that 12% was his practical limit. Mr. Tayara stated that there are no homes that have down-gradient driveways to homes.

Mr. Reardon asked if the driveway grades would show on the final plans. Mr. Pavlik stated that they wouldn't be because they do not know which homes would be on which lots.

Mr. White brought up a number of other waivers that he was concerned with, related to the design and aesthetics of the project.

Ms. Mercandetti moved on to a letter that was provided to the Board from Staff related to items that Staff felt were important to include in the decision and that the Board could review that at the next meeting.

A motion to continue the hearing to 8:00 pm on April 19, 2017 was made by Mr. Cole, seconded by Mr. White and approved unanimously.

The Board scheduled a special meeting for 7:30 pm on April 12, 2017 for deliberations of O-R Granite Street.

Adjournment

A motion to adjourn was made by Mr. Cole, seconded by Mr. White and approved unanimously. The Board adjourned at 11:06 p.m.

Respectfully submitted,

Mackenzie Leahy
Administrative Assistant
Community and Economic Development